

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FL RECEIVABLE TRUST 2002-A,

Plaintiff,

v.

BAGGA ENTERPRISES, INC.; JAMUNA
REAL ESTATE, LLC; UNITED
MANAGEMENT SERVICES, INC.; and
WELCOME GROUP, INC.,

Defendants

Assigned Judge:

The Honorable Lowell A. Reed, Jr., S.J.

Civil Action Nos. 02-CV-2710

02-CV-2711

02-CV-2080

02-CV-2086

AFFIDAVIT OF ROBERT HERMANN

ROBERT HERMANN, pursuant to 28 U.S.C. §1746, declares the following to be true under penalty of perjury:

1. I am counsel to the firm of Thacher, Proffitt & Wood, 50 Main Street, 5th Floor, White Plains, NY, 10606, and a member in good standing of the bar of the State of New York.

Unless otherwise indicated, I make this affidavit on personal knowledge based upon my own involvement in this case, my review of the file in this matter and conversations with knowledgeable parties.

2. By order of this Court, in accordance with Local Civil Rule 83.5.2(b), I have been admitted to the bar of this Court *pro hac vice*, in order to represent the plaintiff in this action.

3. The four judgment debtor defendants defaulted on millions of dollars of loans that the Trust's predecessor in interest, Captec Financial Services, made to them in connection with a

group of Arby's fast-food restaurants owned and operated by Pratpal (a/k/a "Paul") Bagga in Pennsylvania and Texas. The Trust seeks to execute on default judgments obtained against each of the defendants with respect to those loans.

4. Movant Khushvinder Bagga ("Bagga") is the wife of Paul Bagga. Together, they own and control dozens of companies, principally in Pennsylvania, in fast food, clothing and other businesses. They are related to, and involved in business ventures with, Paul Bagga's cousin Ravinder Chawla ("Chawla"), a prominent real estate developer in Philadelphia who is also in the clothing business with the Baggas. Chawla is being sued in this Court for selling counterfeit goods in an action entitled Nike v. Brandmania, 00 Civ. 05148.

5. On or about May 20, 2003, this Court granted, over Bagga's opposition, a motion by the Trust for an order compelling Bagga to appear for a deposition. Although the Court ordered the deposition to occur by June 4, 2003, upon information and belief Bagga left the country to travel to India. Bagga was not made available for deposition until June 17, 2003.

6. The deposition of Bagga commenced on June 17, 2003. However, throughout the deposition, Bagga's counsel blocked all inquiry concerning Bagga's personal assets. After the parties submitted letter briefs on the propriety of that conduct, on or about July 17, 2003 this Court issued an order requiring that Bagga resume her deposition and answer "all questions propounded at the deposition of June 17, 2003 as to which she was instructed not to answer on the grounds of 'personal assets or matters' or other grounds of relevancy and answer reasonable follow-up questions." Annexed hereto as **Exhibit 1** is a true and correct copy of this Order.

7. On August 7, 2003, I resumed taking Bagga's deposition on behalf of the Trust. Although Bagga's counsel criticized the questioning at the resumed deposition, counsel made no effort to terminate the examination or to preclude any of the questioning.

8. Annexed hereto as **Exhibit 2** is a true and correct copy of the June 17, 2003 deposition of Khushvinder Bagga ("June Deposition").

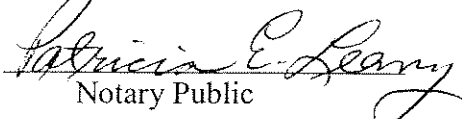
9. Annexed hereto as **Exhibit 3** is a true and correct copy of the draft August 7, 2003 deposition of Khushvinder Bagga ("August Deposition").

10. At the August Deposition, Bagga was shown two exhibits that are annexed hereto: (i) an account of transactions in 2000 by American Merchandise Co., Inc., of which Bagga was an officer, reflecting checks and wires from American Merchandise to the Chawla-owned "Ten Tigers" trading company in the amount of \$8 million (rounded) with deposits of \$1.3 million (rounded), annexed hereto as **Exhibit 4**; and (b), Bagga's personal bank account summary dated August 6, 2003, reflecting activity in the second quarter of 2003 only, annexed hereto as **Exhibit 5**.

11. On August 12, 2003, the Trust served Bagga with a subpoena *duces tecum*. Annexed hereto as **Exhibit 6** is a true and correct copy of the subpoena *duces tecum* served on Bagga that is the subject of Bagga's motion to quash.


Robert Hermann

Sworn to before me this
4th day of September, 2003


Notary Public

PATRICIA E. LEAVY
Notary Public, State of New York
No. 01LE4813341
Qualified in Westchester County
Commission Expires August 31, 2006

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

FL RECEIVABLE TRUST
2002-A,
Plaintiff

CIVIL ACTION

ORIGINAL

vs.

BAGGA ENTERPRISES, INC; NO. 02-2710
JAMUNA REAL ESTATE, LLC; NO. 02-2711
UNITED MANAGEMENT NO. 02-2080
SERVICES, INC.; and NO. 02-2086
WELCOME GROUP, INC.
Defendants

June 17, 2003

Partial Videotape Oral
Deposition of KHUSHVINDER KAUR BAGGA,
held in the law offices of Obermayer,
Rebman, Maxwell & Hipple, 1617 John F.
Kennedy Boulevard, 19th Floor,
Philadelphia, Pennsylvania 19103,
beginning at 9:38 a.m., before Ann V.
Kaufmann, a Registered Professional
Reporter, Certified Realtime Reporter,
Approved Reporter of the U.S. District
Court, and a Notary Public of the
Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES
1800 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
(215) 988-9191

ESQUIRE DEPOSITION SERVICES

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19 PRESENT:

20 JASON HOFFMAN, Videotape Specialist
21 Esquire Deposition Services
22
23
24

ESQUIRE DEPOSITION SERVICES

EXAMINATION INDEX

KHUSHVINDER KAUR BAGGA

BY MR. HERMANN

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EXHIBIT INDEX

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K. Bagga

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REQUEST FOR PRODUCTION OF
INFORMATION/DOCUMENTS

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STIPULATIONS

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QUESTIONS MARKED

(None)

1 MR. HERMANN: Whatever the
2 customary stipulations are is fine with
3 me.

4 MS. BASKIN: Reading and
5 signing.

6 -----

7 KHUSHVINDER KAUR BAGGA, 611
8 Creek Lane, Flourtown, PA 19031 having
9 been duly sworn, was examined and
10 testified as follows:

11 EXAMINATION

12 BY MR. HERMANN:

13 Q. Mrs. Bagga, my name is
14 Robert Hermann from the law firm of
15 Thacher, Proffitt & Wood and I represent
16 FL Receivable Trust in this matter in
17 which you are going to be giving
18 testimony.

19 I'm going to ask you a
20 series of questions. If at any time you
21 don't understand the question or the
22 question seems ambiguous to you, let me
23 know and I will try to make it clearer.

24 If you do answer the

1 question, I'm going to assume and I may
2 ask the Court to assume that you did
3 understand the question. If at any time
4 you want to take a break after the
5 question has been answered and you want
6 to consult with your counsel, let me
7 know that and we will be happy to do
8 that.

9 Are you represented by
10 counsel here today?

11 MS. BASKIN: Yes, she is.
12 For the record, Leslie Beth Baskin. I
13 want to make a little statement for the
14 record. As you are aware, we had filed
15 a motion for protective order in
16 response to the subpoena for the
17 deposition, which was denied, obviously,
18 that's why we're here. I just want to
19 put on the record that we had a cert,
20 and I have a continuing objection
21 vis-a-vis the spousal privilege. And if
22 in fact a question comes up, I will
23 raise, as appropriate, the spousal
24 privilege objection, but I just want to

1 note for the record that I do have a
2 continuing objection.

3 BY MR. HERMANN:

4 Q. When did you retain
5 Ms. Baskin?

6 A. I don't remember the exact
7 time. A few months ago.

8 Q. Had you been represented by
9 any counsel before Ms. Baskin in
10 connection with business matters?

11 MS. BASKIN: Ms. Bagga
12 personally?

13 MR. HERMANN: Yes.

14 THE WITNESS: For what?

15 BY MR. HERMANN:

16 Q. In connection with business
17 matters. I'm not asking about marital
18 or domestic or estates or trusts or
19 things. In connection with business
20 matters had you ever been represented by
21 counsel previously?

22 A. I don't remember.

23 Q. Has Victor Lipski ever been
24 your lawyer in connection with business

1 matters?

2 A. You mean for me or
3 business?

4 Q. Yes. Well, for you either
5 personally or in connection with
6 businesses that you were doing.

7 A. I know he is the attorney
8 for the businesses, yes.

9 Q. How about for you
10 personally?

11 A. I don't remember any
12 personal work.

13 Q. What is your home address?

14 A. 611 Creek Lane, Flourtown,
15 PA.

16 Q. Do you live there with your
17 husband?

18 A. Yes.

19 Q. And his name is Paul Bagga?

20 A. Yes.

21 Q. Do you own the home?

22 A. Yes.

23 Q. Do you personally have an
24 ownership interest in the home?

1 A. What do you mean personal
2 interest?

3 Q. Do you own any interest,
4 5%, 75%, any interest, in the home?

5 A. I don't know the percent.
6 How do you -- I don't understand the
7 percent. What do you mean?

8 Q. Has anyone ever asked you
9 whether you own your home?

10 A. Yes. I know I own my home,
11 yes.

12 Q. Is it owned entirely by
13 your husband?

14 MS. BASKIN: Objection. She
15 just said she owns her home.

16 BY MR. HERMANN:

17 Q. Do I take it from your
18 counsel's answer that you own the home
19 entirely yourself?

20 A. I don't know if it's me or
21 with my husband. I know I own the
22 home. I don't --

23 Q. You don't know what
24 percentage, if any, of the home you own

1 yourself?

2 A. No. How do I --

3 MS. BASKIN: You only have
4 to answer the question.

5 It is unusual for a husband
6 and wife to own percentages in the home,
7 and I think that's what's leading to her
8 confusion.

9 Only if there is a question
10 before you do you have to answer it.

11 BY MR. HERMANN:

12 Q. When did you acquire this
13 house?

14 A. A few years.

15 Q. Can you be more specific
16 than a few years?

17 A. Three years, two and a
18 half. I don't know. Maybe close.
19 Around three years, I think. I don't
20 know the exact time when we moved in.

21 Q. Did you acquire the house
22 for cash or did you take a mortgage?

23 A. We have a mortgage.

24 Q. Did you have a mortgage

1 initially when you bought the house?

2 A. Yes. You have to have a
3 mortgage, yes.

4 Q. Did you sign any papers in
5 connection with acquiring the mortgage?

6 A. Yes, I signed papers.

7 Q. Do you remember what papers
8 you signed?

9 A. No.

10 Q. Do you remember reading any
11 papers that described what percentage,
12 if any, or what type of ownership you
13 had?

14 A. No.

15 Q. Before you bought this
16 home, did you sell another home?

17 A. No.

18 Q. Had you been living in a
19 rental property?

20 A. No.

21 Q. Where were you living
22 before this?

23 A. In a house on Schlosser
24 Road, Harleysville.

1 Q. You didn't own that house?

2 A. Yes, we owned that house.

3 Q. Do you still own that
4 house?

5 A. No.

6 Q. So when did you settle?

7 A. It was after we moved into
8 this house.

9 Q. Apart from your house, do
10 you know whether you own any interests
11 in any other real estate?

12 A. I don't understand.
13 What --

14 Q. Do you have any ownership
15 interest in any real estate?

16 A. You mean a house?

17 Q. Apart from a house. Apart
18 from the house you just described.

19 A. Uh-huh, yes. I have a real
20 estate company that -- yes, real estate.

21 Q. When you say you have a
22 real estate company, what company is
23 that?

24 MS. BASKIN: The question is

1 do you, Mrs. Bagga, personally own any
2 real estate.

3 MR. HERMANN: I will get
4 back to that, counsel.

5 MS. BASKIN: No. I'm
6 clarifying the question, because she
7 obviously didn't understand the question
8 that were you asking her.

9 I'm also going to state an
10 objection because she is not one of the
11 four defendants here, so I think it is
12 irrelevant as to what real estate
13 property she personally owns. But I
14 will let her answer.

15 MR. HERMANN: I'm going to
16 object and will take steps to keep it
17 from happening again if you make any
18 speaking objections at these
19 depositions. You can make an objection
20 on the grounds of form and register that
21 objection, but I won't have speaking
22 objections or instruction with the
23 witness.

24 MS. BASKIN: Okay. Go on.

1 Go on.

2 MR. HERMANN: Can you read
3 back the Q and A, please?

4 (The court reporter read the
5 record as follows:

6 "QUESTION: When you say you
7 have a real estate company, what company
8 is that?")

9 THE WITNESS: K&P Real
10 Estate.

11 BY MR. HERMANN:

12 Q. Now, does K&P Real Estate
13 own real estate?

14 A. Yes.

15 Q. What real estate does it
16 own?

17 MS. BASKIN: I'm going to
18 have a continuing objection to this line
19 as to relevance.

20 MR. HERMANN: I will give
21 you a continuing objection on the
22 grounds of relevance to every question I
23 ask this afternoon if you will assure me
24 that you won't keep making that

1 objection.

2 MS. BASKIN: I am allowed to
3 make that objection.

4 MR. HERMANN: If it is a
5 continuing objection, you don't need to
6 keep making it.

7 MS. BASKIN: On this topic
8 it is.

9 You can answer.

10 THE WITNESS: Can you repeat
11 the question?

12 (The court reporter read the
13 record as follows:

14 "QUESTION: What real estate
15 does it own?")

16 THE WITNESS: I don't
17 remember the addresses. There's one in
18 Reading. There's one in Kutztown. I
19 don't remember the addresses, but
20 that's....

21 BY MR. HERMANN:

22 Q. So as far as you can
23 recall, the only two properties that K&P
24 Real Estate owns is one in Reading,

1 Pennsylvania, and one in Kutztown,
2 Pennsylvania?

3 A. No. There are other
4 properties, but I don't remember the
5 names where.

6 Q. What kind of property is
7 the one in Reading?

8 A. Is Arby's Restaurant.

9 Q. What does K&P Real Estate
10 own? Does it own the land on which that
11 Arby's is situated?

12 A. Yes.

13 Q. Is the same true of
14 Kutztown?

15 A. Yes.

16 Q. And is it your testimony
17 that K&P Real Estate owns other land on
18 which Arby's Restaurants are located?

19 A. Yes.

20 Q. Does K&P Real Estate own
21 any other kind of real estate apart from
22 real estate in connection with Arby's
23 Restaurants?

24 A. No.

1 Q. Now, what is your ownership
2 interest in K&P Real Estate?

3 A. I own the real estate.

4 Q. You are 100% owner of the
5 company; is that correct?

6 A. Yes, I think so, yes.

7 Q. You are not sure?

8 A. No, I'm the only owner.

9 Q. Is that a corporation or a
10 partnership of any sort?

11 A. I don't know if it's a
12 corporation or a partnership.

13 Q. Apart from the interest
14 that you have in K&P Real Estate, do you
15 own any other real estate that you
16 haven't told me about so far either in
17 whole or in part anywhere in the world?

18 A. I have some real estate in
19 India.

20 Q. Tell me about the real
21 estate that you own in India.

22 MS. BASKIN: I'm going to
23 object and instruct her not to answer.
24 It is totally irrelevant to what this

1 litigation is about. She is not a named
2 defendant. I'm going to instruct her
3 not to answer.

4 MR. HERMANN: Can we go off
5 the record for a second?

6 (Discussion off the record.)

7 (The witness and Ms. Baskin
8 left the deposition room.)

9 (The court reporter read the
10 record as follows:

11 "QUESTION: Tell me about
12 the real estate that you own in India.")

13 MS. BASKIN: I lodge an
14 objection and I stand by the objection
15 and I stand by instructing her not to
16 answer. And I could restate that, once
17 again, it is a deposition vis-a-vis a
18 litigation for --

19 MR. HERMANN: You don't have
20 to restate it.

21 MS. BASKIN: I'm instructing
22 her not to answer.

23 MR. HERMANN: I will tell
24 you that we will seek a ruling on this,

1 and if she is directed to answer, then
2 we will have to bring her back to answer
3 those questions.

4 MS. BASKIN: That's fine.

5 MR. HERMANN: Can I just ask
6 you to mark those parts of the
7 transcript where the witness has been
8 instructed not to answer?

9 BY MR. HERMANN:

10 Q. Ms. Bagga, you recently
11 traveled to India, didn't you?

12 A. Yes.

13 Q. When did you leave to go to
14 India?

15 A. Oh, about 15, 20 days ago.

16 Q. You are not sure what day
17 you left?

18 A. It was on a Saturday.
19 Today is what date?

20 MS. BASKIN: The 17th.

21 THE WITNESS: The 17th. So
22 last -- I need to see a calendar.

23 BY MR. HERMANN:

24 Q. When did you return from

1 India?

2 A. Last Saturday.

3 Q. The 14th of June?

4 A. Today is --

5 MS. BASKIN: The 17th.

6 THE WITNESS: No. Saturday
7 before that.

8 BY MR. HERMANN:

9 Q. Do you want to take a look
10 at this calendar and tell me what day
11 you left and what day you returned?

12 MS. BASKIN: I will just
13 lodge an objection; relevance.

14 You can answer.

15 THE WITNESS: Today is the
16 17th. I came back on the 7th, so I left
17 about a week before that. I left on
18 Friday before that, yes. It is not on
19 here, the previous --

20 BY MR. HERMANN:

21 Q. Would that be Friday, the
22 30th of May?

23 A. Yes, I think so. I think
24 that's right, yes.

1 Q. Did you go to India alone?

2 A. Yes.

3 Q. While you were in India,
4 did you acquire any property?

5 A. No.

6 Q. Did you make any
7 investments in India while you were
8 there?

9 A. No.

10 Q. Did you open any bank
11 accounts?

12 A. No.

13 Q. Did you make any bank
14 deposits?

15 A. No.

16 Q. Did you acquire any
17 securities?

18 MS. BASKIN: I'm going to
19 object and instruct her not to answer.
20 Anything in terms of any questions that
21 she did personally I'm going to instruct
22 her not to answer.

23 BY MR. HERMANN:

24 Q. Do you have any ownership

1 interest in an office building in the
2 Philadelphia area?

3 A. Yes.

4 Q. Where is it?

5 A. It's on Bethlehem Pike.

6 Q. Bethlehem Pike?

7 A. Yes.

8 Q. Is that where the offices
9 of some of the Bagga family businesses
10 are?

11 A. Yes.

12 Q. And what is the nature of
13 your ownership interest in that
14 property? Let me try to make it
15 clearer.

16 Do you know how that
17 property is owned; that is to say
18 whether it is just owned jointly by you
19 and your husband or a company owns it
20 and you own some shares in it or it is a
21 partnership? Do you have any idea?

22 A. No, I don't.

23 Q. How did you come to have an
24 interest in that property?

1 A. We needed an office.

2 THE COURT REPORTER: I'm
3 sorry?

4 MR. HERMANN: She said we
5 needed an office.

6 THE WITNESS: Yes.

7 BY MR. HERMANN:

8 Q. And when was that?

9 A. I don't remember the time.

10 Q. Did you and your husband
11 buy the building together?

12 A. I don't know.

13 Q. Did you ever sign any
14 papers in connection with the purchase
15 of the office, such as mortgage papers?

16 A. Yes.

17 Q. What kinds of papers did
18 you sign?

19 A. I don't know. What the
20 banks gave or some loan documents.

21 Q. Did you ever notice on any
22 of those papers whether it described any
23 ownership interest that you had in the
24 property?

1 A. No.

2 Q. As you sit here today, do
3 you know the percentage of any of the
4 property that you own?

5 A. I don't understand.

6 Q. Do you own half the
7 property?

8 A. I don't know.

9 Q. In connection with the
10 purchase of that office building did you
11 have to put down cash as well as the
12 mortgage?

13 MS. BASKIN: I'm going to
14 object and instruct her not to answer.

15 MR. HERMANN: What's the
16 basis for the instruction?

17 MS. BASKIN: Anything that
18 Ms. Bagga did personally is irrelevant
19 to what this deposition's purpose is or
20 what your litigation is; B, I'm going to
21 object to every question from now on
22 that is similar to that.

23 MR. HERMANN: You are going
24 to instruct her not to answer?

1 MS. BASKIN: Correct.

2 BY MR. HERMANN:

3 Q. Do you know what the
4 assessment is of the office property on
5 Bethlehem Pike, what the tax assessment
6 is?

7 A. No.

8 Q. Have you ever seen a check
9 written for the taxes for the property?

10 A. I don't remember.

11 Q. Are you in good health at
12 the moment?

13 A. I have some health
14 problems, but....

15 Q. Are you taking any
16 medications?

17 A. Yes.

18 Q. Do any of those medications
19 affect your to remember things in
20 response to questions that I'm asking
21 you?

22 A. I don't know.

23 Q. You think they may affect
24 your memory?

1 A. I don't know if they do or
2 they don't.

3 Q. Have you noticed any change
4 in your memory since you have been
5 taking those medications?

6 A. I don't know.

7 Q. Do you feel as if you are
8 able to testify today and understand the
9 questions and answer them, in a medical
10 sense?

11 A. Yes, I think so.

12 Q. Did you review any
13 documents today? Did you review any
14 documents in preparation for your
15 deposition today?

16 A. No.

17 Q. Did you speak to anybody
18 about having your deposition taken today
19 other than your lawyer and your husband?

20 A. No.

21 Q. Have you ever testified in
22 any other cases either at a deposition
23 or in court?

24 A. I don't remember.

1 Q. Have you ever been in court
2 and stood up on the witness stand and
3 been asked questions and given answers?

4 A. I don't remember that, no.

5 Q. When you say you don't
6 remember that, do you mean that you
7 don't think that ever happened or it
8 happened but you don't remember it?

9 A. I don't remember.

10 Q. Are you an American
11 citizen?

12 A. Yes.

13 Q. When did you become a
14 citizen?

15 A. A long time ago.

16 Q. More than 20 years ago?

17 A. I guess it was -- it must
18 be around 20 years. I don't know the
19 exact time.

20 Q. When did you come to the
21 United States?

22 A. About 25 years ago.

23 Q. Did you receive your
24 education here?

1 A. Some of it, yes.

2 Q. What education did you
3 receive here?

4 A. I went to school here.

5 Q. Did you go to college?

6 A. Yes.

7 Q. Where did you go to college?

8 A. In Allentown.

9 Q. University of Pennsylvania?

10 A. No. It was a college,
11 Cedar Crest College.

12 Q. Did you graduate?

13 A. Yes.

14 Q. What year?

15 A. 1982.

16 Q. What did you do after
17 college, immediately after college?

18 A. Had a baby.

19 Q. When did you and Mr. Bagga
20 first meet?

21 A. About 25 years ago.

22 Q. Approximately 1978?

23 A. '77, '78, yes.

24 Q. Was he working for Air

1 Products at the time?

2 MS. BASKIN: I'm sorry. I
3 didn't hear that.

4 BY MR. HERMANN:

5 Q. Was he working for Air
6 Products at the time?

7 A. No.

8 Q. Do you know where he was
9 working at the time?

10 A. No.

11 Q. Did you ever have a job
12 outside of the family businesses since
13 graduating from college?

14 A. Yes.

15 Q. What was that job and when
16 did you have it?

17 A. I worked at Dun &
18 Bradstreet in Allentown.

19 Q. What did you do there?

20 A. I just did some data entry
21 for them.

22 Q. What was the period of your
23 employment?

24 A. I don't remember. It was a

1 long time ago.

2 Q. Was this during the 1980s?

3 A. Yes.

4 Q. Did you have any other
5 employment apart from the family
6 business and apart from D&B?

7 A. I worked in a bank.

8 Q. Where was the bank?

9 A. In Allentown.

10 Q. What was the name of the
11 bank?

12 A. I don't remember. I don't
13 know if it is there anymore or not. The
14 banks changed. I think it was First
15 Valley Bank. I'm not sure. I don't
16 remember.

17 Q. What did you do for them?

18 A. I was a teller.

19 Q. Do you remember how long
20 you worked there?

21 A. A few months.

22 Q. Is that also in the 1980s?

23 A. Yes.

24 Q. Any other employment

1 history you can think of apart from your
2 family businesses?

3 A. I don't remember any.

4 Q. What was your degree in in
5 college? What was your major?

6 A. Business management.

7 Q. After you graduated from
8 college, did you have any professional
9 training in any business area?

10 A. I don't understand.

11 Q. Did you take any courses in
12 any professional areas after you
13 graduated from college or receive any
14 training in any professional areas after
15 you graduated from college?

16 A. Like what?

17 Q. Accounting, bookkeeping.

18 A. That I did in college.

19 Q. You did that in college but
20 not after college; is that correct?

21 A. For accounting?

22 Q. For anything.

23 MS. BASKIN: After college
24 he said.

1 THE WITNESS: After I went
2 to Cedar Crest?

3 BY MR. HERMANN:

4 Q. Yes.

5 A. No.

6 MS. BASKIN: I would like to
7 take a break for one second if you don't
8 mind.

9 (Recess from 10:17 a.m. to
10 to 10:18 a.m.)

11 MS. BASKIN: Just going back
12 on the record, I apologize, Ms. Bagga
13 wants to clarify. I think she thought
14 when you were asking about the
15 employment when you had said the 1980s,
16 that you were only focusing at that
17 point about the '80s.

18 MR. HERMANN: There are also
19 other employments.

20 MS. BASKIN: I think your
21 question was broader and I think she was
22 being slightly hypertechnical.

23 MR. HERMANN: Okay. I
24 appreciate that.

1 BY MR. HERMANN:

2 Q. Were there other places you
3 worked apart from the ones you told me
4 about already? Again, apart from your
5 family businesses.

6 A. I had a clothing business.

7 Q. Do you still have that
8 business?

9 A. No.

10 Q. What was the name of it?

11 A. There were clothing stores,
12 retail stores, called Sunshine Blues.

13 Q. Sunshine Blues?

14 A. Uh-huh.

15 Q. Aren't there three of those
16 still open in Philadelphia?

17 A. There are more than three
18 of them; but they are not mine.

19 Q. So you sold your interest
20 in that when?

21 A. Sometime in the early '90s.

22 Q. Were you the sole owner of
23 that business?

24 A. Yes.

1 Q. To whom did you sell it?

2 A. We closed the stores. The
3 leases came up, just closed the stores.

4 Q. Do I take it from your
5 answer that you didn't sell the
6 business; you simply closed the
7 business?

8 A. We closed the stores, yes.

9 Q. Who is operating Sunshine
10 Blues today?

11 A. They were franchises, so I
12 don't know who owns them now.

13 Q. You were a franchisee?

14 A. Yes.

15 Q. Is Sunshine Blues the
16 retail name of some franchisor?

17 A. Yes.

18 Q. Who was the franchisor?

19 A. They don't have the
20 franchises anymore. The original
21 company, I think they owned them. I
22 don't know if they still have the
23 franchises out or just the company owns
24 them.

1 Q. Do you know who the owners
2 are of the company that franchised these
3 stores?

4 A. Yes.

5 Q. Who are they?

6 A. It's -- you need the
7 company?

8 Q. No. The names of the
9 individuals who are the owners of that
10 company, if you know.

11 A. It's G. T. Chawla.

12 Q. G. T. Chawla.

13 And Ravinder Chawla, did he
14 own any interest in them?

15 A. Yes.

16 Q. Anybody else, as far as you
17 know, who had an ownership interest?

18 A. It was family owned. They
19 have other brothers, father. I don't
20 know what the ownership is, who owns
21 what.

22 Q. Now, for how long were you
23 in that clothing business?

24 A. A few years, six, seven,

1 eight.

2 Q. Was there a company that
3 you set up specifically to deal with
4 that?

5 A. Yes.

6 Q. What was the name of that
7 company?

8 A. KB Apparel.

9 Q. KB Apparel?

10 A. Yes.

11 Q. Were you the president?

12 A. Yes.

13 Q. How many stores did KB
14 Apparel operate?

15 MS. BASKIN: Once again, I'm
16 going to object and instruct her not to
17 answer. I have been waiting to see if
18 this is leading somewhere that's
19 relevant to this lawsuit and it's not,
20 so I'm going to instruct her not to
21 answer.

22 BY MR. HERMANN:

23 Q. Did your husband work in KB
24 Apparel?

1 A. No.

2 Q. Did he have any ownership
3 interest at all in it?

4 A. I don't know.

5 Q. Who handled the books for
6 KB Apparel?

7 MS. BASKIN: I'm going to
8 object and instruct her not to answer.
9 I don't see any relevance, once again.

10 BY MR. HERMANN:

11 Q. What kind of clothing did
12 Sunshine Blues stores sell while you
13 were operating them?

14 MS. BASKIN: Objection and
15 instruct her not to answer.

16 BY MR. HERMANN:

17 Q. Did it sell brand-name
18 jeans?

19 MS. BASKIN: I'm going to
20 object and instruct the witness not to
21 answer.

22 BY MR. HERMANN:

23 Q. Apart from the businesses
24 you have already told me about, have you

1 been involved in any other employment?

2 Again, I will ask you later on about
3 family businesses; this is apart from
4 that.

5 A. I don't remember.

6 Q. Do you belong to any
7 professional organizations?

8 A. I don't remember. I --
9 maybe some organization from Harvard,
10 because I went -- I did a course there,
11 so maybe it was some associations from
12 there.

13 Q. Do you belong to any
14 organizations, such as the Chamber of
15 Commerce, or community organizations of
16 that sort?

17 A. I don't remember. I don't
18 think so.

19 Q. I have to ask you this, so
20 don't be offended. Have you ever been
21 arrested?

22 A. No.

23 Q. When did you get married to
24 Mr. Bagga?

1 A. 25 years ago.

2 Q. Have you said to anybody,
3 apart from your lawyer and apart from
4 your husband, in the past year that you
5 were thinking about separating from
6 Mr. Bagga?

7 MS. BASKIN: I'm going to
8 object and instruct her not to answer.

9 BY MR. HERMANN:

10 Q. Do you have any children?

11 A. Yes.

12 Q. How many?

13 A. Two.

14 Q. What are their ages?

15 A. 21 and 16.

16 Q. Does either of your
17 children work in the family businesses?

18 A. No.

19 Q. Do you have a sizeable
20 family apart from your immediate family
21 in the Philadelphia area?

22 A. Yes.

23 Q. You have family in India,
24 too?

1 A. Yes.

2 Q. Are your parents in India?

3 A. No.

4 Q. Are they in the United
5 States in this area?

6 A. Yes.

7 Q. Are your parents retired?

8 A. Yes.

9 Q. What family do you have in
10 India?

11 A. I have a brother, his wife,
12 his children.

13 Q. What business is your
14 brother in?

15 MS. BASKIN: I'm going to
16 object and, once again, instruct her not
17 to answer, unless you want to give me a
18 reason as to relevance and maybe we
19 could cut through this.

20 BY MR. HERMANN:

21 Q. Was your father in the
22 banking business in India?

23 A. Yes.

24 Q. Was he in the banking

1 business in the United States?

2 A. No.

3 Q. Does your father maintain
4 contacts with people in the banking
5 business in India?

6 MS. BASKIN: I'm going to
7 object and instruct the witness not to
8 answer.

9 BY MR. HERMANN:

10 Q. Apart from your brother and
11 your sister-in-law in India, do you have
12 contact with any other family there?

13 A. Yes.

14 Q. Who is that?

15 A. My mother-in-law.

16 Q. Anyone else?

17 A. I have a brother-in-law,
18 his wife, his children. I have another
19 brother-in-law, his wife. I have a
20 cousin there.

21 Q. Did you stay with family
22 when you went there recently?

23 A. Yes.

24 Q. Who did you stay with?

1 A. My brother.

2 Q. Do you customarily stay
3 with him if you visit people in India?

4 A. It depends where I'm going.

5 Q. Where does he live?

6 A. New Delhi.

7 Q. How often have you been to
8 India let's say in the last ten years?
9 On how many occasions have you made
10 trips to India in the last ten years?

11 A. Several times.

12 Q. Several times a year?

13 A. Yes. Some years, yes,
14 several times.

15 Q. Are all of these visits
16 purely social, with family?

17 MS. BASKIN: I'm going to
18 object and instruct her not to answer
19 again. I don't know where this is
20 going.

21 BY MR. HERMANN:

22 Q. Do you ever do any business
23 in India?

24 MS. BASKIN: I'm going to

1 object and instruct her not to answer.

2 BY MR. HERMANN:

3 Q. When you recently traveled
4 to India at the time you left the
5 country, were you aware that a federal
6 judge had ordered that you testify by
7 June 4?

8 A. I was told that, yes.

9 Q. Were you of the opinion
10 that were you not required to testify by
11 June 4 when you left?

12 A. I was going to India, so I
13 told them I won't be here.

14 Q. You told the judge you
15 wouldn't be here; is that what you're
16 saying?

17 A. No. I told somebody from
18 Beth's office.

19 Q. They said it was okay?

20 MS. BASKIN: I'm going to
21 object and instruct her not to answer.
22 This is all of record. It was in
23 pleadings. I'm going to instruct her
24 not to answer.

1 BY MR. HERMANN:

2 Q. Do you have an Indian
3 driver's license?

4 A. I don't know if it's still
5 there. I used to have one, you know.

6 Q. You don't have one in your
7 wallet; is that correct?

8 A. What license? Indian?

9 Q. Yes.

10 A. No.

11 Q. Did you rent a car while
12 were you in India?

13 MS. BASKIN: I'm going to
14 object and instruct her not to answer.

15 BY MR. HERMANN:

16 Q. Do you have a lawyer in
17 India?

18 A. For what?

19 Q. For anything.

20 MS. BASKIN: I'm going to
21 object and instruct her not to answer.

22 BY MR. HERMANN:

23 Q. While you were in India,
24 did you visit any banks?

1 MS. BASKIN: I'm going to
2 object and instruct her not to answer.

3 BY MR. HERMANN:

4 Q. While were you in India,
5 did you visit any investment firms?

6 MS. BASKIN: I'm going to
7 object and instruct her not to answer.

8 BY MR. HERMANN:

9 Q. Do you have any bank or
10 securities accounts in India?

11 MS. BASKIN: I'm going to
12 object and instruct her not to answer.

13 BY MR. HERMANN:

14 Q. Do you own any assets in
15 India?

16 MS. BASKIN: I'm going to
17 object and instruct her not to answer.

18 BY MR. HERMANN:

19 Q. While you were in India
20 during the past five years, have you
21 invested any money with any institution
22 or any business or in person?

23 MS. BASKIN: I'm going to
24 object and instruct her not to answer.

1 BY MR. HERMANN:

2 Q. While you were in India in
3 the last five years, did you make any
4 big-ticket purchases of items, such as
5 jewelry or art?

6 MS. BASKIN: I'm going to
7 object and instruct the witness not to
8 answer.

9 BY MR. HERMANN:

10 Q. Do you own shares in any
11 Indian company either directly or
12 indirectly?

13 MS. BASKIN: I'm going to
14 object and instruct the witness not to
15 answer.

16 BY MR. HERMANN:

17 Q. Do you know whether your
18 husband either liquidated or transferred
19 any family business interests in India
20 in the past ten years in order to
21 satisfy debts to American creditors?

22 MS. BASKIN: I'm going to
23 object and instruct the witness not to
24 answer.

1 BY MR. HERMANN:

2 Q. Have you in the past year
3 discussed with anyone plans to relocate
4 to India?

5 MS. BASKIN: I'm going to
6 object and instruct her not to answer.

7 BY MR. HERMANN:

8 Q. What other countries have
9 you visited in the past five years?

10 A. India, Hong Kong, Thailand,
11 Burma, Indonesia, Italy, France, Venice,
12 England, Malaysia, Taiwan, Nepal.
13 That's all I remember.

14 Q. Did you go with your
15 husband on all these trips?

16 A. Not all of them.

17 Q. Were all of these trips for
18 pleasure as opposed to business?

19 A. No.

20 Q. Which ones were business
21 trips?

22 MS. BASKIN: I'm going to
23 object and instruct the witness not to
24 answer.

1 BY MR. HERMANN:

2 Q. Did you in fact conduct
3 business on some of these trips?

4 MS. BASKIN: You can
5 answer.

6 THE WITNESS: Yes.

7 BY MR. HERMANN:

8 Q. Which ones?

9 MS. BASKIN: I'm going to
10 object and instruct the witness not to
11 answer.

12 BY MR. HERMANN:

13 Q. Did you acquire property in
14 any of these countries?

15 MS. BASKIN: I'm going to
16 object and instruct the witness not to
17 answer.

18 BY MR. HERMANN:

19 Q. Did you open or make
20 deposits to any banks or securities
21 accounts in any of these countries?

22 MS. BASKIN: I'm going to
23 object and instruct the witness not to
24 answer.

1 BY MR. HERMANN:

2 Q. Did you purchase any large-
3 ticket items in any of these countries?

4 MS. BASKIN: I'm going to
5 object and instruct the witness not to
6 answer.

7 BY MR. HERMANN:

8 Q. Are you employed at the
9 present time?

10 A. Yes.

11 Q. Who is your employer?

12 A. Bagga Enterprises.

13 Q. Any other employer?

14 A. I don't know.

15 Q. Do you get a paycheck from
16 Bagga Enterprises?

17 A. Yes.

18 Q. How often?

19 A. Every two weeks.

20 Q. What is your annual salary?

21 A. \$52,000.

22 Q. What do you do for Bagga
23 Enterprises?

24 A. I oversee their billings

1 and payables.

2 Q. Anything else?

3 A. No.

4 Q. For how long have you been
5 doing that for Bagga Enterprises?

6 A. For Bagga Enterprises?
7 About a month.

8 Q. Did you have employment
9 before that, before the one month ago?

10 A. Yes.

11 Q. What was that?

12 A. United Management.

13 Q. What did you do for them?

14 A. Oversee the billings and
15 payables.

16 Q. How long did you do that
17 for United Management?

18 A. A few years.

19 Q. While were you doing that
20 for United Management Services for two
21 years, were you employed by any other --

22 A. I said a few years.

23 Q. A few years; I'm sorry.

24 How many years is a few years, in your

1 recollection?

2 A. Four, five, six. I don't
3 remember how long.

4 Q. At the time you were
5 working for United Management Services
6 were you employed by any other family
7 business?

8 A. I don't know. What do you
9 mean?

10 Q. Did you have another job
11 during the same time or was that your
12 only job while you were working for
13 United Management?

14 A. That was my job, yes.

15 Q. Before that time, before
16 you worked for United Management
17 Services, did you work for any other
18 family-owned business?

19 A. No. I had my business at
20 that time.

21 Q. The clothing business?

22 A. (Witness shakes head.)

23 Q. Do you have any ownership
24 interest, either directly or indirectly,

1 in Bagga Enterprises?

2 A. No, I don't think so.

3 Q. Do you have any direct or
4 indirect ownership interest in United
5 Management Services?

6 A. No, I don't think so.

7 Q. Are there any other family-
8 owned businesses from which you received
9 any compensation or any distributions of
10 income in the past five years?

11 A. I don't know.

12 Q. Do you file a joint tax
13 return with your husband?

14 A. I don't know if it's joint
15 or separate.

16 Q. Have you ever signed a tax
17 return in which you saw your husband's
18 signature also to the Internal Revenue
19 Service?

20 A. I remember signing it, but
21 I didn't look for other signatures, you
22 know.

23 Q. When you sign your tax
24 return, do you actually read what is on

1 the tax return before you sign it?

2 MS. BASKIN: I'm going to
3 object and instruct her not to answer.

4 BY MR. HERMANN:

5 Q. Have you ever observed on
6 any tax return that it lists any income
7 from any family-owned business other
8 than Bagga Enterprises or United
9 Management Services?

10 A. Can you say that again?

11 (The court reporter read the
12 record as follows:

13 "QUESTION: Have you ever
14 observed on any tax return that it lists
15 any income from any family-owned
16 business other than Bagga Enterprises or
17 United Management Services?")

18 MS. BASKIN: This is at any
19 time; right?

20 THE WITNESS: I don't
21 remember.

22 BY MR. HERMANN:

23 Q. Who prepares your tax
24 returns?

1 A. I don't know.

2 Q. Does Norm Cahan, C-A-H-A-N,
3 prepare your returns?

4 A. Maybe. I don't know.

5 Q. Have you ever talked to him
6 about your tax returns?

7 A. Yes, I talked to him.

8 Q. Have you talked to him
9 about your tax returns

10 A. About filing the tax
11 returns?

12 Q. Filing them or what's on
13 them or any other aspect of your tax
14 return, your individual tax return.

15 MS. BASKIN: I'm going to
16 object and instruct her not to answer.
17 BY MR. HERMANN:

18 Q. So is it your testimony
19 that you don't know who prepares your
20 tax returns?

21 A. I don't know. I just sign
22 them. I don't know who prepare it.

23 Q. Do you know whether you are
24 a signatory or a guarantor on any

1 borrowings apart from your house which
2 you told me about before?

3 A. The office building, yes.

4 Q. You got a \$244,000 mortgage
5 on that office building; isn't that
6 right?

7 A. I don't remember the exact
8 amount. I guess.

9 Q. Do you remember whether the
10 amount of the mortgage is more than 80%
11 of the appraised value of the building?

12 A. I don't understand this.

13 Q. Did you arrange that
14 mortgage yourself?

15 A. I talked to somebody in the
16 bank.

17 Q. What bank was that?

18 A. Sovereign Bank.

19 Q. Am I correct that you paid
20 \$280,000 for that building?

21 A. Yes, I think that's what it
22 is.

23 Q. Did anyone at the bank say
24 to you that it was unusual to get a

1 mortgage for 87% of the purchase price
2 of the building?

3 A. I don't remember that.

4 Q. Am I correct that the size
5 of your Washington Mutual mortgage is
6 1.6 million?

7 MS. BASKIN: Object. What
8 Washington Mutual mortgage?

9 MR. HERMANN: Mortgage on
10 the home.

11 MS. BASKIN: I'm going to
12 object and instruct her not to answer.
13 BY MR. HERMANN:

14 Q. Did you ever borrow money
15 from Singh Brothers Trust?

16 MS. BASKIN: Did she
17 personally?

18 MR. HERMANN: Yes.

19 MS. BASKIN: I'm going to
20 object and instruct her not to answer.
21 BY MR. HERMANN:

22 Q. Did any business by which
23 you were employed, family business, ever
24 borrow money from Singh Brothers Trust?

1 MS. BASKIN: I'm going to
2 object and instruct the witness not to
3 answer.

4 BY MR. HERMANN:

5 Q. Did you borrow 700,000 from
6 the Singh Brothers Trust for the
7 property in Flourtown?

8 MS. BASKIN: I'm going to
9 object and instruct her not to answer.

10 BY MR. HERMANN:

11 Q. Do you know who the Singh
12 Brothers are?

13 A. No.

14 Q. You don't know who they
15 are; is that correct?

16 A. No.

17 MS. BASKIN: You have to
18 speak up.

19 BY MR. HERMANN:

20 Q. Do you own or have any
21 ownership interest in any real property
22 other than what you already told me
23 about, either in land or in buildings or
24 houses other than the ones you have

1 already told me about in answer to my
2 previous questions?

3 MS. BASKIN: I haven't
4 objected, but I'm going to object and
5 instruct the witness not to answer.

6 BY MR. HERMANN:

7 Q. Do you own any property
8 jointly with anyone else apart from your
9 marital home?

10 MS. BASKIN: I'm going to
11 object and instruct the witness not to
12 answer.

13 BY MR. HERMANN:

14 Q. Do you have any brokerage
15 accounts of your own?

16 MS. BASKIN: I'm going to
17 object and instruct the witness not to
18 answer.

19 BY MR. HERMANN:

20 Q. Do you have an account with
21 Fidelity Investments?

22 MS. BASKIN: I'm going to
23 object and instruct the witness not to
24 answer.

1 BY MR. HERMANN:

2 Q. Do you have a checking or
3 savings account at Commerce Bank?

4 MS. BASKIN: I'm going to
5 object and instruct the witness not to
6 answer.

7 BY MR. HERMANN:

8 Q. In what banks have you
9 deposited money since the year 2002?

10 MS. BASKIN: Mrs. Bagga
11 personally?

12 MR. HERMANN: Mrs. Bagga.

13 MS. BASKIN: Her personal
14 funds?

15 MR. HERMANN: No, I'm not
16 asking about personal funds or
17 impersonal funds. I'm asking about
18 money. What banks has she deposited
19 money in since 2002.

20 MS. BASKIN: I'm going to
21 object to the form of the question.

22 Do you understand the
23 question?

24 THE WITNESS: No.

1 BY MR. HERMANN:

2 Q. What don't you understand
3 about the question? I will be happy to
4 clear it up, but I'm not sure what you
5 don't understand about it.

6 MS. BASKIN: Well, I don't
7 even understand so I can't even properly
8 advise her.

9 MR. HERMANN: But you're not
10 the witness.

11 MS. BASKIN: Well, she
12 already said that she didn't understand
13 it.

14 MR. HERMANN: It doesn't
15 matter whether you understand it or not.

16 MS. BASKIN: Well, I'm going
17 to instruct her not to answer until we
18 get a better question. We can save time
19 if you rephrase the question.

20 BY MR. HERMANN:

21 Q. You have made bank
22 deposits, haven't you, in your life?

23 A. Yes.

24 Q. Sometimes you deposit a

1 check that's endorsed by someone;
2 sometimes you deposit cash?

3 A. Yes.

4 Q. Sometimes you deposit your
5 own personal check in an account;
6 correct?

7 A. Yes.

8 Q. Have you made any deposits
9 in the past year in any bank accounts,
10 whether in the form of endorsed checks
11 or cash or any other negotiable
12 instrument?

13 MS. BASKIN: I'm going to
14 object and instruct the witness not to
15 answer, unless it is related to these
16 four defendants; nothing personal.

17 BY MR. HERMANN:

18 Q. Have you written any checks
19 in the last couple of years?

20 A. I don't understand.

21 Q. You know what a check is;
22 right?

23 A. Yes.

24 Q. Have you written any in the

1 last couple of years?

2 A. Yes.

3 Q. On what accounts?

4 MS. BASKIN: I'm going to
5 object and instruct the witness not to
6 answer if it has to do with her personal
7 finances.

8 BY MR. HERMANN:

9 Q. Apart from your home and
10 apart from anything else you have told
11 me up to this point, do you own in whole
12 or in part any assets with Paul Bagga?

13 A. I don't know.

14 Q. Have you applied for any
15 loans in the past year?

16 MS. BASKIN: I'm going to
17 object and instruct the witness not to
18 answer.

19 BY MR. HERMANN:

20 Q. Have you guaranteed any
21 loans in the past year?

22 MS. BASKIN: I'm going to
23 object and instruct the witness not to
24 answer.

1 BY MR. HERMANN:

2 Q. Have you set up any trusts
3 for your family in the past year?

4 MS. BASKIN: I'm going to
5 object and instruct the witness not to
6 answer.

7 BY MR. HERMANN:

8 Q. Have you ever submitted a
9 net worth statement in connection with a
10 loan?

11 A. I don't remember.

12 Q. Have you spoken to any bank
13 officers or any representatives of any
14 financial institution in connection with
15 a loan apart from what you mentioned
16 before about your house?

17 A. I don't remember.

18 Q. Have you transferred any
19 real property to any person in the past
20 six years?

21 MS. BASKIN: I'm going to
22 object and instruct the witness not to
23 answer.

24 BY MR. HERMANN:

1 Q. Have you transferred any
2 interest in any personal property to any
3 person in the past six years apart from
4 the clothing business which you
5 mentioned before?

6 MS. BASKIN: I'm going to
7 object and instruct the witness not to
8 answer.

9 BY MR. HERMANN:

10 Q. Who works in the office of
11 Bagga Enterprises apart from yourself?

12 A. A few other people.

13 Q. Who are they?

14 A. I don't know who is
15 employed by which company, so I don't
16 know who is employed by Bagga.

17 Q. Who actually works inside
18 the building?

19 A. It's Gene and Bob.

20 Q. Gene Pittack?

21 A. Yes.

22 Q. What does he do? Is he the
23 regional manager?

24 A. Yes, I think so. He

1 travels a lot, so....

2 Q. And Bob, is that Bob Popp?

3 A. Yes.

4 Q. P-O-P-P?

5 A. (Witness shakes head.)

6 Q. He is the bookkeeper; right?

7 A. He does some work, yes.

8 Q. He does some bookkeeping;

9 is that right?

10 A. I don't know what all he
11 does. He does different things.

12 Q. Isn't he the bookkeeper for
13 all the Bagga companies?

14 A. I don't know.

15 Q. How many years has he
16 worked for the Bagga family business?

17 MS. BASKIN: I don't think
18 she has testified that he worked for the
19 Bagga family business.

20 BY MR. HERMANN:

21 Q. Does he work for the Bagga
22 family business?

23 A. What do you mean "family
24 business"?

1 Q. Is he in fact a bookkeeper
2 for the Bagga family businesses in
3 connection with Arby's franchises?

4 A. He works for business
5 related to Arby's franchises, yes.

6 Q. And, in fact, he has been
7 doing that for quite a few years, hasn't
8 he?

9 A. Yes.

10 Q. Did you ever work with him
11 personally?

12 A. He is in the office.

13 Q. How far away from where you
14 sit is his desk?

15 A. I don't know. We keeping
16 moving the desks around, so there is no
17 fixed spot.

18 Q. How many times a day do you
19 see him?

20 A. I don't go there every day,
21 so I don't know.

22 Q. If you are there for eight
23 hours, how long do you see Bob Popp
24 during the day?

1 A. I'm not there for eight
2 hours.

3 Q. When you are in the office,
4 do you on occasion talk to Bob Popp?

5 A. Yes.

6 Q. What do you talk to him
7 about? business matters?

8 A. Yes, I guess.

9 Q. Can you remember any
10 subjects you have discussed with Bob
11 Popp this year concerning Bagga family
12 businesses?

13 A. There's no subject. He is
14 in the office. I'm there sometime. If
15 I need anything, I ask him.

16 Q. Did anyone ever say to you
17 or in your presence that Bob Popp is the
18 person who really knows what is going on
19 in the details of the Bagga family
20 businesses?

21 A. What did you say? Can you
22 repeat that?

23 (The court reporter read the
24 record as follows:

1 "QUESTION: Did anyone ever
2 say to you or in your presence that Bob
3 Popp is the person who really knows what
4 is going on in the details of the Bagga
5 family businesses?")

6 THE WITNESS: What does that
7 mean?

8 MS. BASKIN: Has anyone ever
9 said that to you?

10 THE WITNESS: Like who?

11 BY MR. HERMANN:

12 Q. Anyone.

13 A. I don't remember.

14 MS. BASKIN: I think the
15 question is, do you remember anyone ever
16 making that type of comment to you?

17 THE WITNESS: No, I don't
18 remember.

19 BY MR. HERMANN:

20 Q. Did you ever have any
21 disputes with him about financial
22 matters in connection with the business?

23 A. No.

24 Q. Did you ever have any

1 conversations with him about altered
2 invoices?

3 MS. BASKIN: I'm going to
4 object and ask in relationship to what?
5 to Bagga Enterprises?

6 MR. HERMANN: Yes.

7 THE WITNESS: No, I don't
8 remember anything like that.

9 BY MR. HERMANN:

10 Q. Did you ever have any
11 conversations with him about altered
12 checks?

13 A. No, I didn't.

14 Q. Did you ever discuss the
15 subject of bankruptcy with Mr. Popp?

16 A. No, I didn't.

17 Q. Does Mr. Popp report to
18 you?

19 A. No. I'm not there all the
20 time, so...

21 Q. Could you fire him?

22 A. Huh?

23 Q. Could you fire him? Do you
24 have the power to fire him?

1 A. No.

2 Q. Who has the power to fire
3 him?

4 A. I don't know who can fire
5 him. I cannot.

6 Q. Could your husband fire
7 him?

8 A. I don't know.

9 Q. Has Mr. Popp ever said
10 anything in your presence about quitting
11 the family businesses?

12 A. No.

13 Q. Do you know how much he is
14 paid?

15 A. No.

16 Q. Does he work full time for
17 Bagga Enterprises?

18 A. I don't know. I think so.
19 I'm not there all the time, so I don't
20 know.

21 Q. When you are not there,
22 where are you?

23 A. Different places.

24 Q. Are there any other

1 businesses you go to?

2 A. Yes.

3 Q. What's that?

4 A. I work on various
5 transactions for clothing distribution.

6 (Mr. Haber entered the
7 deposition room.)

8 MS. BASKIN: May I ask who
9 walked in?

10 MR. HABER: My name is Steve
11 Haber.

12 MS. BASKIN: Hello.

13 I'm sorry.

14 BY MR. HERMANN:

15 Q. I was just asking you to
16 explain a little more what you mean
17 about working on transactions involving
18 the clothing business. Clothing
19 distribution did you say?

20 A. I work on transactions for
21 supplying goods to different stores.

22 Q. Stores in the U.S.?

23 A. Yes.

24 Q. And for whom do you work?

1 A. Nobody. I work for myself,
2 some friends and family.

3 Q. To what stores do you
4 supply these goods?

5 MS. BASKIN: I'm going to
6 object and instruct her not to answer.

7 BY MR. HERMANN:

8 Q. Are these stores in the
9 Philadelphia area?

10 MS. BASKIN: I'm going to
11 object and instruct her not to answer.

12 BY MR. HERMANN:

13 Q. From whom do you get the
14 goods to distribute to these stores?

15 MS. BASKIN: Once again, I'm
16 going to object and instruct her not to
17 answer until you can show some
18 relevance, and then maybe we can go on.

19 BY MR. HERMANN:

20 Q. Who are the friends and
21 family you described a moment ago?

22 MS. BASKIN: I'm going to
23 object and instruct her not to answer.

24 BY MR. HERMANN:

1 Q. Do you have a separate
2 company set up to do this?

3 MS. BASKIN: I'm going to
4 object and instruct her not to answer.
5 BY MR. HERMANN:

6 Q. Does anybody in your family
7 work with you in connection with these
8 transactions involving clothing
9 distribution?

10 MS. BASKIN: I'm going to
11 object and instruct her not to answer.
12 BY MR. HERMANN:

13 Q. Do you draw a salary in
14 connection with this business?

15 MS. BASKIN: The non-Bagga
16 business?

17 BY MR. HERMANN:

18 Q. Yes, the clothing
19 distribution business we're talking
20 about.

21 MS. BASKIN: I'm going to
22 object and instruct her not to answer.

23 BY MR. HERMANN:

24 Q. Is there any other

1 employment in which you are engaged
2 apart from Bagga Enterprises and the
3 clothing distribution that you just told
4 me about?

5 A. No.

6 Q. Did you have any other
7 business interests with either the Bagga
8 family members or the Chawla family
9 members apart from what you have told me
10 about already?

11 MS. BASKIN: I'm going to
12 object and instruct the witness not to
13 answer.

14 BY MR. HERMANN:

15 Q. Do you have someone who is
16 a money manager for you?

17 MS. BASKIN: For her
18 personally?

19 MR. HERMANN: Yes.

20 MS. BASKIN: I'm going to
21 object and instruct the witness not to
22 answer.

23 BY MR. HERMANN:

24 Q. Do you have an investment

1 advisor?

2 A. What do you mean
3 "investment advisor"?

4 Q. A person who advises you
5 about what investments to make or not to
6 make.

7 A. No.

8 MR. HERMANN: Can we take a
9 break for a moment?

10 (Recess from 11:11 a.m. to
11 11:23 a.m.)

12 BY MR. HERMANN:

13 Q. What does Bagga Enterprises
14 do?

15 A. It operates Arby's
16 Restaurants.

17 Q. The Arby's Restaurants that
18 are owned in whole or in part by your
19 husband and your family?

20 A. Yes.

21 Q. Does that include all the
22 Arby's in Pennsylvania?

23 A. No, not all of them.

24 Q. Which ones does it include?

1 A. I don't remember the names
2 of all of them.

3 Q. Do you remember which ones
4 it doesn't include, if that's a smaller
5 list?

6 A. Yes. There are some that
7 are owned by -- operated by Welcome and
8 some by Bagga.

9 Q. So are all of the Arby's
10 Restaurants in which the Bagga family
11 has some interest operated either by
12 Bagga Enterprises or by Welcome Group?

13 A. Yes.

14 Q. Who owns Bagga Enterprises?

15 A. Paul does.

16 Q. 100%?

17 A. I think so, yes.

18 Q. Do you know if it has a
19 board of directors?

20 A. Huh?

21 Q. Do you know whether Bagga
22 Enterprises has a board of directors?

23 A. I don't know.

24 Q. Have you ever seen any

1 minutes of board meetings?

2 A. I have not.

3 Q. Now, does Bagga Enterprises
4 keep separate books for each of the
5 stores?

6 A. What do you mean "separate
7 books"?

8 Q. Does it keep, for example,
9 a separate general ledger for each
10 separate Arby's store or does it have
11 all of the accounts in one central
12 operating account?

13 A. I think it's all done
14 together for all the stores.

15 Q. Are you involved at all in
16 the bookkeeping aspect of the Bagga
17 Enterprises business?

18 A. Some.

19 Q. What are your functions?

20 A. Bagga -- because the
21 different units have stores at different
22 places, so we have -- my job is to make
23 sure that the funds come into one
24 account and then bills are paid out of

1 that account. We try to manage it out
2 of one account because the stores are in
3 all different locations and we don't
4 have the same bank at all the remote
5 areas, so the money has to be
6 transferred into one management company
7 account and then we try to pay
8 everything out of there.

9 Q. So when funds come from the
10 various Arby's Restaurants, they go into
11 that account you were just describing?

12 A. Yes.

13 Q. Is that like a central
14 management account?

15 A. Yes.

16 Q. And all of the payables are
17 paid out of those accounts?

18 A. Most of them, yes.

19 Q. Which ones aren't?

20 A. Sometimes the stores have
21 to pay cash payouts that they pay out
22 and sometimes -- most of them are paid
23 out of the central account. But
24 sometimes if we have to send a check

1 out, I don't have time to transfer the
2 money -- it takes time from one bank to
3 another -- then we might write it out of
4 that account; but it is usually not
5 done.

6 Q. When income from a
7 restaurant is received by you, is that
8 usually received in the form of a check
9 or cash?

10 A. Income from the Arby's?

11 Q. Yes.

12 A. It is mostly cash.

13 Q. And how is that delivered;
14 in other words, how is it physically
15 delivered?

16 A. It's deposited in the bank
17 closest to the store.

18 Q. And then there is a
19 transfer from that bank to your account?

20 A. To the management account,
21 central account, yes.

22 Q. You are in charge of
23 handling payments to vendors and other
24 tradespeople who need to be paid for

1 what they have supplied to the business;
2 is that right?

3 A. Yes.

4 Q. Does anybody work with you
5 on that or do you do that yourself?

6 A. No. There are other people
7 working --

8 Q. Who else works with you on
9 that?

10 A. To pay that it -- I have
11 Khalid in the office.

12 Q. Can you spell it?

13 A. K-H-A-L-I-D.

14 Q. What does Khalid do?

15 A. He basically collects
16 all the -- gets all the bills together
17 and he prepares the checks and then we
18 decide what to release, depending on
19 what money is there.

20 Q. Who decides which checks to
21 write and which to hold for the moment?

22 A. I tell them to write the
23 checks.

24 Q. Do you sometimes tell them

1 not to write certain checks or to hold
2 off on them for a while?

3 A. Yes, sometimes. But he
4 basically writes the checks and then we
5 release them as we have to.

6 Q. So he writes checks for all
7 of the people to whom the business owes
8 money and you may decide to release some
9 and not release others?

10 A. Yes.

11 Q. Do you make those decisions
12 on your own?

13 A. No. I ask Paul sometimes.
14 Some of the bills have -- like electric
15 has to be paid, some things have to be
16 paid, so....

17 Q. Who else works with you
18 besides Khalid in connection with
19 payables and receipts?

20 A. Right now just Bob and
21 Khalid.

22 Q. What function does Mr. Popp
23 play with regard to receipts and
24 payables?

1 A. He is not really involved
2 with payables. He just does -- he is
3 more with the operations, like ordering
4 the food and doing the payroll and doing
5 the food analysis and stuff. He does
6 that kind of thing.

7 Q. Do you have any involvement
8 in those areas?

9 A. No.

10 Q. Do you review the bank
11 statements?

12 MS. BASKIN: For who?
13 BY MR. HERMANN:

14 Q. For Bagga Enterprises.

15 A. Sometimes.

16 Q. What determines whether you
17 do or don't review a particular bank
18 statement?

19 A. I don't really need to
20 review.

21 Q. Somebody else apart from
22 you reviews the bank statements of Bagga
23 Enterprises?

24 A. The review for what?

1 Q. For anything. A bank
2 statement comes in from the bank. Does
3 somebody review it, is my question.

4 A. I guess, you know, they
5 reconcile the statement.

6 Q. Who does that?

7 A. Khalid.

8 Q. And when he looks at the
9 bank statements, does he ever discuss
10 them with you?

11 A. If there's a problem, if
12 there's some charge or a bank charge or
13 anything; other than that it's not
14 necessary.

15 Q. Apart from the \$52,000 a
16 year that you told us about a moment
17 ago, do you receive any other management
18 fees from Bagga Enterprises?

19 A. I don't know how that is
20 done, but I know there are other
21 management fees. I don't get involved
22 with that.

23 Q. Do you personally receive
24 any management fees from Bagga

1 Enterprises apart from your salary?

2 A. I don't take any.

3 Q. Do you receive any other
4 kind of financial distribution from the
5 company, Bagga Enterprises, apart from
6 the salary you mentioned?

7 A. No, I don't think so.

8 Q. Have you ever reviewed
9 Bagga Enterprises' tax return?

10 A. No.

11 Q. Did you ever sign any
12 documents on behalf of Bagga
13 Enterprises?

14 A. I don't remember.

15 Q. Do you know what banks
16 Bagga Enterprises has accounts with?

17 A. They are all different
18 banks, because wherever the stores are,
19 whichever bank is closer to it, that's
20 the bank.

21 Q. That's where the cash is
22 deposited?

23 A. Yes.

24 Q. And who has the management

1 account for Bagga Enterprises, which
2 bank?

3 A. Right now -- it used to be
4 United Management account, but we don't
5 have that anymore.

6 MS. BASKIN: He is asking
7 which bank.

8 BY MR. HERMANN:

9 Q. I'm just asking about Bagga
10 Enterprises now.

11 A. Bagga Enterprises operated
12 from now I think it's PNC Bank.

13 Q. Does Bagga Enterprises do
14 banking business with any other banks
15 for its central management functions as
16 opposed to the depository banks where
17 the stores are?

18 A. I don't understand.

19 Q. Does Bagga Enterprises have
20 any other bank accounts that it uses for
21 central management purposes apart from
22 the one you just mentioned?

23 A. No.

24 Q. Does Bagga Enterprises rent

1 space anywhere?

2 A. For?

3 Q. For real estate, for
4 storage, for offices. Does it rent
5 space in the building, in the Bethlehem
6 Pike building?

7 A. Yes. That's where the
8 office is.

9 Q. Does it pay rent for those
10 offices?

11 A. Yes, it's supposed to,
12 yes. It is supposed to be
13 distributed --

14 MS. BASKIN: The question is
15 does Bagga Enterprises pay rent for the
16 property at Bethlehem Pike?

17 MR. HERMANN: Yes.

18 THE WITNESS: Yes. It stays
19 a part of the --

20 BY MR. HERMANN:

21 Q. Does Bagga Enterprises rent
22 storage space anywhere?

23 A. They might. I don't --

24 Q. You are not aware of any?

1 A. I don't know of any.

2 Q. Have you ever written any
3 checks to storage companies on Bagga
4 Enterprises?

5 A. I haven't written any
6 checks to storage companies. I don't
7 remember.

8 Q. When Bagga Enterprises
9 receives a check from somebody, how is
10 it physically deposited in the bank?
11 Does someone actually take it to the
12 bank?

13 A. Yes.

14 Q. Who is that person? Is
15 that you?

16 A. Sometimes.

17 Q. When it is not you, who is
18 it?

19 A. It could be Paul or
20 somebody in the office, whoever is --
21 anybody will do that, me or Paul or Bob,
22 anybody. Yes, it's just a deposit, drop
23 it off at the bank.

24 Q. Now, have you personally

1 written checks on Bagga Enterprises?

2 Now, you told me a moment
3 ago that Khalid writes the checks and
4 you decide what to release. Do you ever
5 at times also write checks yourself
6 personally?

7 A. Very rarely. I might have.

8 Q. Do you have a stamp that
9 your office uses for your signature?

10 A. Yes.

11 Q. Does Khalid stamp checks
12 with your signature?

13 A. Yes, sometimes, yes.

14 Q. Is there anybody else who
15 is permitted to use that stamp?

16 A. Paul.

17 Q. Anybody else?

18 A. No.

19 Q. Have you ever heard of
20 Jamuna Real Estate, LLC?

21 A. Yes.

22 Q. And what does Jamuna Real
23 Estate do?

24 A. It owns the real estate for

1 some of the Arby's.

2 Q. The ones in Pennsylvania?

3 A. Yes, some of them in
4 Pennsylvania.

5 Q. Do you have an ownership
6 interest in Jamuna Real Estate, LLC?

7 A. No.

8 Q. Do you know who the owners
9 are?

10 A. Paul Bagga.

11 Q. As far as you know, he owns
12 it 100%?

13 A. Yes, I think so.

14 Q. Has he always owned it
15 100%?

16 A. No. I think it was -- I
17 owned a part of it a few years ago and
18 then it was -- he took it.

19 Q. You in fact owned 50% of it
20 a few years ago, didn't you?

21 A. Yes.

22 Q. When did you transfer that
23 50%?

24 A. I don't remember the exact

1 time. Sometime in 2000, 2001.

2 Q. In 2000 or 2001 to whom did
3 you transfer that 50% interest in Jamuna?

4 A. To Paul.

5 Q. What did you get in return
6 for transferring that interest? Did you
7 get an interest in something else?

8 A. I don't remember exactly
9 how it was. I know it was transferred.
10 I don't know exactly what Paul
11 transferred, really.

12 Q. Is it your testimony that
13 you believe you did get something in
14 exchange for the transfer of your
15 interest but you don't remember what it
16 was?

17 A. I know it was transferred.
18 I don't know what was done with it.

19 Q. Do you know what the reason
20 was for the transfer?

21 A. No.

22 Q. At the time of the transfer
23 did you attempt to find out whether a
24 50% interest in Jamuna Real Estate had

1 any value?

2 A. No.

3 Q. Why did you transfer it?

4 A. He said sign some papers.

5 Q. That's how you transferred
6 it. Why did you transfer it?

7 A. I don't know. Paul just
8 asked me to sign papers, some transfer
9 papers, and I signed them.

10 Q. Did you have a lawyer
11 representing you at the time?

12 A. No.

13 Q. Do you know who drew up the
14 papers?

15 A. No.

16 Q. Did you ever do any work
17 for Jamuna?

18 A. What kind of work?

19 Q. Any kind of bookkeeping
20 work or operations work, the kind that
21 you do for Bagga Enterprises or
22 anything.

23 A. I don't remember doing it,
24 no.

1 Q. Did you ever get a salary
2 from Jamuna?

3 A. No.

4 Q. Did you ever receive any
5 financial distributions from Jamuna?

6 A. I don't think so.

7 Q. What does the word "Jamuna"
8 mean or signify? Is it someone's name?

9 A. It's Paul's grandmother's
10 name.

11 Q. Did Jamuna have any
12 employees while you had an ownership
13 interest in it?

14 A. I don't think so, no.

15 Q. Does it have any today, as
16 far as you know?

17 A. No, I don't think so.

18 Q. Is it located at the
19 Bethlehem Pike office?

20 A. I think that's the address
21 they use.

22 Q. Did you ever review its
23 bank statements?

24 A. No.

1 Q. Did you ever sign any
2 documents on behalf of Jamuna apart from
3 the ones you just told me about
4 transferring your interest?

5 A. I don't remember. I might
6 have. I don't remember.

7 Q. Did you report the sale of
8 your interest in Jamuna to the Internal
9 Revenue Service on your tax return?

10 MS. BASKIN: I'm going to
11 object. You are classifying it as a
12 sale. Sitting here today, I'm not sure
13 it is a sale.

14 BY MR. HERMANN:

15 Q. Transfer, you said a
16 transfer.

17 A. I don't know how it was
18 done on the tax returns.

19 Q. Did you ever discuss with
20 your accountant whether the transfer
21 resulted in any gain or loss of income
22 to you for tax purposes?

23 A. No.

24 Q. Is the business operation

1 of Jamuna handled by Bagga Enterprises
2 part of its management function?

3 A. Can you repeat that?

4 Q. Does Bagga Enterprises
5 handle the business accounts for Jamuna
6 Real Estate?

7 A. I don't think so, no.

8 Q. Who does? Does it handle
9 its own?

10 A. I don't know. I have no
11 idea.

12 Q. Do you write checks on any
13 accounts of Jamuna Real Estate these
14 days?

15 A. No.

16 Q. Did you ever?

17 A. No.

18 Q. When you had an ownership
19 interest in Jamuna, did you ever review
20 invoices that were sent to it; people
21 who were looking to be paid by it?

22 A. No.

23 Q. And since the transfer of
24 your interest have you done that?

1 A. No.

2 Q. Did you ever hear of
3 Welcome Group?

4 A. Yes.

5 Q. What does Welcome Group do?

6 A. It's another operating
7 entity for some of the Arby's
8 Restaurants.

9 Q. What does Welcome Group do
10 that United Management Services or Bagga
11 Enterprises doesn't do?

12 A. Welcome is an operating
13 entity for some of the Arby's and Bagga
14 is operating entity for some of the
15 Arby's and United was the management
16 company for all of the Arby's.

17 Q. When you say an operating
18 entity as opposed to a management
19 company, what is the difference in your
20 mind, between those two functions?

21 A. Operating entity in the
22 sense that they have the Arby's license
23 to operate the stores so they are -- and
24 United is the management company that

1 manages that and other things.

2 Q. So am I understanding you
3 correctly that the operating entity just
4 holds the license, just holds and owns
5 the license, for the franchise or
6 whatever and all the --

7 A. Uh-huh.

8 Q. -- management activity is
9 handled by United Management or Bagga
10 Enterprises?

11 A. By the management company.

12 Q. By the management company.
13 Is that correct?

14 A. Yes, that's what I think.

15 Q. Who owns Welcome Group?

16 A. Paul does.

17 Q. 100%?

18 A. I think so, yes.

19 Q. Are there any indirect
20 owners of Welcome Group, as far as you
21 know?

22 A. What do you mean
23 "indirect"?

24 Q. People who have an

1 ownership interest in it but for whom
2 Paul Bagga is the nominee or
3 representative or nominal holder of that
4 interest?

5 A. I don't think so. I think
6 Paul owns it.

7 Q. And have you ever had any
8 ownership interest in Welcome Group?

9 A. I don't think so, no.

10 Q. Do you know whether Welcome
11 Group has a board of directors?

12 A. I don't know that.

13 Q. Have you ever seen the
14 minutes of any board meetings for
15 Welcome Group?

16 A. I don't remember.

17 Q. Did you ever work for
18 Welcome Group?

19 A. I worked in the office and
20 I worked for United, so I was doing
21 managing for Welcome also because United
22 was managing for Welcome and for Bagga
23 Enterprises.

24 Q. What kind of managing did

1 Welcome need? What areas did it need
2 management services in?

3 A. The same as Bagga
4 Enterprises.

5 Q. And you wrote checks on the
6 accounts of Welcome Group?

7 A. Yes.

8 Q. When I say you wrote
9 checks, you wrote in the same way that
10 you testified before, that Khalid would
11 write them and you would decide which
12 ones to release?

13 A. Yes. Whoever was working
14 there, they would write the checks.

15 Q. Has Khalid been there a
16 long time?

17 A. No. There were other
18 people before that.

19 Q. Who had his job of writing,
20 preparing the checks before him?

21 A. There have been various
22 people who worked before.

23 Q. Do you remember any of
24 their names?

1 A. There used to be this lady
2 Gloria and --

3 Q. Do you remember Gloria's
4 last name?

5 A. No.

6 Q. Do you know Khalid's last
7 name?

8 A. No.

9 Q. Are there records of the
10 company which would reflect what their
11 last names are?

12 A. Yes, I'm sure the
13 company....

14 Q. If I leave a space in the
15 deposition for you to fill that in,
16 would you be able to fill in what those
17 persons' names were?

18 A. I don't remember their last
19 name without checking.

20 Q. And if after checking you
21 can recall what their last names were, I
22 would ask that you fill them in in the
23 blank space in the transcript.

24 MS. BASKIN: Specifically

1 the names of the people who held
2 Khalid's position prior to Khalid?

3 MR. HERMANN: Yes, right.

4 BY MR. HERMANN:

5 Q. Did you receive any
6 management fees or other kind of income
7 from Welcome Group?

8 A. I don't know how the
9 management fee structure was handled.
10 That was done by Paul.

11 Q. Am I understanding you
12 correctly that you are not sure which
13 entities may have paid you management
14 fees?

15 A. Yes.

16 Q. If you received management
17 fees, those would have been declared on
18 your tax return; correct?

19 A. Yes.

20 Q. Were there ever any
21 circumstances in which a check would be
22 written and stamped with your signature
23 that would go out without your approval?

24 A. Yes, sometimes it does.

1 Q. Was that something that
2 happened infrequently?

3 A. I'm not there in the office
4 all the time, so if I'm not there, some
5 check have to go out, they would stamp
6 it and send it.

7 Q. And would they tell you
8 about it after the fact?

9 A. Yes.

10 Q. Did you from time to time
11 review lists of checks you had written
12 on United Management?

13 A. Yes.

14 Q. And Bagga Enterprises?

15 A. Yes.

16 Q. Did you handle any wire
17 transfers for Welcome Group?

18 A. Yes, I think I did.

19 Q. On what occasions did
20 Welcome Group or United Management have
21 wire transfers?

22 A. Well, some of the vendors
23 needed -- like for the food supplies,
24 money has to be wired to them, so you

1 have to send out wires for....

2 Q. Were wires sent only to
3 vendors or to other people as well?

4 A. Mostly to vendors; but
5 there could be other people, too. I
6 don't remember.

7 Q. Were there wires made into
8 United Management or Welcome Group
9 accounts at times?

10 A. Yes.

11 Q. Or Bagga Enterprises as
12 well?

13 A. Yes.

14 Q. And from whom? From what
15 entities were these wires received?

16 A. I don't know the vendor you
17 are referring to, but there were wires.
18 Sometimes the money was put in. I don't
19 remember where.

20 Q. Well, what I'm asking you,
21 on what occasions would funds be wired
22 into United Management's or Welcome
23 Group's or Bagga Enterprises' account?

24 A. If they were short of funds

1 to pay the bills, then we had to get
2 money in to pay the bills.

3 Q. And would that be from
4 another bank in that situation?

5 A. Yes.

6 Q. Were there any outside
7 investors in any of the Bagga family
8 businesses?

9 MS. BASKIN: When you refer
10 to "Bagga family businesses" --

11 MR. HERMANN: The Arby's we
12 are talking about; I'm sorry.

13 THE WITNESS: I don't know.
14 BY MR. HERMANN:

15 Q. If there are outside
16 investors, your testimony is that you
17 are not aware of them?

18 A. Yes, I don't know.

19 Q. Did you ever encounter
20 situations in which people, whether
21 potential investors or banks or other
22 people, wanted to know what the expenses
23 were of the Arby's businesses that were
24 run by United Management Services?

1 A. I'm sorry. What do I --

2 (The court reporter read the
3 record as follows:

4 "QUESTION: Did you ever
5 encounter situations in which people,
6 whether potential investors or banks or
7 other people, wanted to know what the
8 expenses were of the Arby's businesses
9 that were run by United Management
10 Services?")

11 THE WITNESS: Nobody asked
12 me. I was never....

13 BY MR. HERMANN:

14 Q. You never had a situation
15 in --

16 MS. BASKIN: I was never
17 asked, she said.

18 You can't trail off at the
19 end because she can't get it.

20 THE WITNESS: Oh, I'm sorry.

21 BY MR. HERMANN:

22 Q. You never had a situation
23 in which you tried to assemble
24 documentation to show some outside

1 person what the expenses were of running
2 those Arby's businesses?

3 A. No, I didn't.

4 Q. Were you aware of any such
5 situations in which outside persons had
6 asked for documentation or backup of the
7 expenses of the Arby's businesses?

8 A. No.

9 Q. Were you ever present at
10 any time in which a party made a
11 statement that he believed that the
12 expenses of the Arby's businesses had
13 been exaggerated?

14 A. No.

15 Q. You mentioned K&P Realty
16 before. Does K&P stands for Khushvinder
17 and Paul?

18 A. Yes.

19 Q. What does K&P do?

20 A. It owns real estate for
21 some of the Arby's.

22 Q. Do you know which ones it
23 owns the real estate for?

24 A. It owns five stores.

1 Q. Do you know the business
2 reason for it owning those five stores
3 and not other stores? Is there a common
4 reason?

5 A. They were the stores that
6 were there before it was a separate
7 company, so -- and then the stores that
8 were acquired later on, I think they
9 were owned by Jamuna.

10 Q. What interest, if any, do
11 you have in K&P Realty?

12 A. I own 100% of K&P.

13 Q. Is K&P Realty a
14 corporation?

15 A. I think so.

16 Q. Do you know who is on its
17 board of directors?

18 A. I don't know. I don't
19 know. I don't remember.

20 Q. Does it have any employees?

21 A. No.

22 Q. Are its operations run out
23 of the Bethlehem Pike office?

24 A. Yes.

1 Q. Apart from your ownership
2 interest, do you receive any
3 compensation from K&P Realty?

4 MS. BASKIN: I'm going to
5 object and instruct the witness not to
6 answer.

7 BY MR. HERMANN:

8 Q. Has K&P Realty ever sold
9 any property?

10 MS. BASKIN: I'm going to
11 object and instruct the witness not to
12 answer.

13 BY MR. HERMANN:

14 Q. Does K&P Realty have any
15 income?

16 MS. BASKIN: I'm going to
17 object and instruct the witness not to
18 answer.

19 BY MR. HERMANN:

20 Q. Do you sign documents on
21 behalf of K&P Realty?

22 MS. BASKIN: I'm going to
23 object and instruct the witness not to
24 answer.

1 BY MR. HERMANN:

2 Q. Does K&P Realty have any
3 contracts with any Bagga family owned
4 enterprises?

5 A. Some -- it owns the real
6 estate and then it is leased out to some
7 of the Arby's, the leases with the five
8 Arby's that are there. I don't know if
9 that's the contract you are talking
10 about.

11 Q. Well, for purposes of our
12 discussion let's assume it is a
13 contract. Does K&P Realty receive
14 income in connection with leasing those
15 properties to the Arby's entries?

16 A. What do you mean does it
17 receive income?

18 Q. Does it get rent?

19 A. Yes.

20 Q. Does it pay that rent over
21 to any other entity?

22 A. It has to pay the
23 mortgage. K&P has to pay the mortgage.

24 Q. Once it is finished paying

1 the mortgage, if there is any money left
2 over, who does that money go to?

3 MS. BASKIN: Object and
4 instruct the witness not to answer.
5 BY MR. HERMANN:

6 Q. Does it go to you
7 personally?

8 MS. BASKIN: I'm going to
9 object and instruct the witness not to
10 answer.

11 BY MR. HERMANN:

12 Q. Did you ever sign a tax
13 return for K&P Realty?

14 MS. BASKIN: I'm going to
15 object and instruct the witness not to
16 answer.

17 BY MR. HERMANN:

18 Q. Is the income for K&P
19 Realty declared on your personal tax
20 return?

21 MS. BASKIN: I'm going to
22 object and instruct the witness not to
23 answer.

24 BY MR. HERMANN:

1 Q. Does K&P Realty have a
2 checking account?

3 MS. BASKIN: I'm going to
4 object and instruct the witness not to
5 answer.

6 BY MR. HERMANN:

7 Q. Does K&P Realty pay any
8 expenses, business expenses, other than
9 the mortgage?

10 A. What do you mean "business
11 expenses"? Like what?

12 Q. Like bulbs, insurance,
13 whatever operating expenses a business
14 may have.

15 MS. BASKIN: I'm going to
16 object and instruct the witness not to
17 answer.

18 MR. HERMANN: Let's take a
19 break for a second because I want to
20 inquire what the arrangements are.

21 (Recess from 12:12 p.m. to
22 12:14 p.m.)

23 (Mr. Lawrence Tabas relieved
24 Mr. Steven Haber.)

1 BY MR. HERMANN:

2 Q. Did you ever hear of an
3 entity called Poojan, Inc., P-O-O-J-A-N?

4 A. Yes.

5 Q. What does that do?

6 A. It owns one of the Arby's.

7 Q. Which one does it own?

8 A. Pittston, P-I-T-T-S-T-O-N.

9 Q. Do you have any ownership
10 interest in Poojan?

11 A. I don't know if it is
12 jointly owned by Paul. I don't
13 remember.

14 Q. Do you know whether Poojan
15 has any employees?

16 A. Yes.

17 Q. Who would that be?

18 A. People who work there.

19 Q. So does Poojan own the
20 store itself and the real estate?

21 MS. BASKIN: I'm going to
22 object and instruct the witness not to
23 answer, unless you can show the
24 relevance.

1 BY MR. HERMANN:

2 Q. What does the word "Poojan"
3 mean to you? Is that someone's name?

4 A. It's a combination of my
5 daughter and my son's name.

6 Q. And who is who?

7 MS. BASKIN: I'm going to
8 object and instruct the witness not to
9 answer.

10 BY MR. HERMANN:

11 Q. Is there a company that
12 provides management services for Poojan?

13 MS. BASKIN: I'm going to
14 object and instruct the witness not to
15 answer.

16 MR. TABAS: I'm sorry to
17 interject at this point, but,
18 Ms. Baskin, if you are going to continue
19 to do that, I'm going to get Judge Reed
20 on the phone.

21 MS. BASKIN: That's okay.

22 MS. BURKE: We have already
23 handled this.

24 MR. TABAS: Are you sure?

1 MR. HERMANN: Yes.

2 MR. TABAS: Okay.

3 BY MR. HERMANN:

4 Q. Did you ever sign any
5 documents on behalf of Poojan?

6 MS. BASKIN: I'm going to
7 object and instruct the witness not to
8 answer.

9 BY MR. HERMANN:

10 Q. Did you ever sign any
11 checks on behalf of Poojan?

12 A. Yes.

13 Q. For what purpose did you do
14 that?

15 A. For paying the bills for
16 Poojan.

17 Q. Is that through the United
18 Management or Bagga Enterprises account,
19 through a management account?

20 A. It used to be through
21 United; it's not anymore. No.
22 Poojan is separate, yes. It used to be
23 through Management -- through United
24 Management, but now it's not because we

1 separated everybody. Welcome pays its
2 own and Bagga pays its own and Poojan
3 pays its own now.

4 Q. It has its own checkbook at
5 this point?

6 A. Yes.

7 Q. Have you ever heard of an
8 entity called CJA Enterprises?

9 A. I don't know. It's not my
10 entity. I don't know what it is.

11 Q. You have never heard of it;
12 is that correct?

13 A. No. I have --

14 MS. BASKIN: The question is
15 did you ever hear of an entity called
16 CJA.

17 THE WITNESS: Yes.

18 BY MR. HERMANN:

19 Q. Do you know what it does?

20 A. It operates Arby's
21 Restaurants in Texas.

22 Q. Is that in Mission and
23 Brownsville?

24 A. I think so, yes.

1 Q. Have you ever done any work
2 for CJA Enterprises?

3 A. United did the management
4 for those stores, so....

5 Q. So to the extent that you
6 were working for United, United did work
7 for CJA Enterprises; correct?

8 A. Yes, I guess so.

9 Q. Were you ever paid
10 separately by CJA Enterprises?

11 A. No.

12 Q. Did you ever receive any
13 distributions of income from CJA
14 Enterprises?

15 A. No.

16 Q. Did CJA Enterprises ever
17 sell any property?

18 A. I don't know of any.

19 Q. Did you ever see a tax
20 return for CJA Enterprises?

21 A. No.

22 Q. Do you know when it was set
23 up?

24 A. Pardon me?

1 Q. Do you know when it was set
2 up?

3 A. No.

4 Q. Did you ever hear of an
5 entity called Ten Tigers, Incorporated?

6 A. Yes.

7 Q. What's that?

8 A. That was involved with the
9 clothing distribution business.

10 Q. That was involved with your
11 clothing distribution business that you
12 described earlier?

13 A. No, not my clothing
14 distribution; but that's what I remember
15 the name from, it had something to do
16 with the clothing business.

17 Q. But it had something to do
18 with American Merchandising?

19 A. I don't know.

20 Q. Do you know anything else
21 about Ten Tigers, Incorporated, in terms
22 of what it does?

23 MS. BASKIN: I'm going to
24 object and instruct the witness not to

1 answer.

2 BY MR. HERMANN:

3 Q. I take it you have heard of
4 American Merchandising Company,
5 Incorporated?

6 A. Pardon me?

7 Q. Have you heard of American
8 Merchandising Company, Incorporated?

9 A. Yes.

10 Q. Do you have any ownership
11 interest in it?

12 MS. BASKIN: I'm going to
13 object and instruct the witness not to
14 answer.

15 BY MR. HERMANN:

16 Q. Do you know who owns it?

17 A. I think Paul Bagga.

18 Q. Does he own 100% of it?

19 A. I don't know.

20 Q. Do you know who was on the
21 board of directors of American
22 Merchandising?

23 MS. BASKIN: I'm going to
24 object and instruct the witness not to

1 answer.

2 BY MR. HERMANN:

3 Q. Have you ever seen any
4 board meeting minutes for American
5 Merchandising?

6 MS. BASKIN: I'm going to
7 object and instruct the witness not to
8 answer.

9 BY MR. HERMANN:

10 Q. Did you ever receive any
11 management fees or any distributions of
12 income from American Merchandising?

13 MS. BASKIN: I'm going to
14 object and instruct the witness not to
15 answer.

16 BY MR. HERMANN:

17 Q. Did you ever see a tax
18 return for American Merchandising?

19 A. I don't know.

20 Q. Did United Management
21 Services or Bagga Enterprises ever
22 handle any management functions for
23 American Merchandising?

24 A. They might have. I don't

1 remember.

2 Q. What makes you think they
3 might have?

4 A. I don't remember if it did
5 or it didn't.

6 Q. Was there a relationship in
7 which were you aware of the business of
8 American Merchandising Company and the
9 clothing distribution business that you
10 described yourself as having been in?

11 MS. BASKIN: I'm going to
12 object and instruct the witness not to
13 answer.

14 BY MR. HERMANN:

15 Q. Do you know whether
16 American Merchandising rents storage
17 space anywhere?

18 MS. BASKIN: I'm going to
19 object and instruct the witness not to
20 answer.

21 BY MR. HERMANN:

22 Q. Did you ever personally
23 sign any checks to American
24 Merchandising?

1 MS. BASKIN: I'm going to
2 object and instruct the witness not to
3 answer.

4 BY MR. HERMANN:

5 Q. Are you aware of any funds
6 from American Merchandising that were
7 sent by check or wire to either United
8 Management Services or Bagga
9 Enterprises?

10 A. I don't remember that.

11 Q. Now, a while ago you
12 testified about how United Management
13 Services maintained a common operating
14 account from which funds were paid on
15 behalf of various Bagga family
16 enterprises connected with the Arby's
17 businesses in Pennsylvania. Do you
18 recall that?

19 A. Yes.

20 Q. What controls were in
21 place, as far as you know, to keep the
22 bookkeeping at each of these entities
23 separate?

24 A. Arby's?

1 Q. Yes. So that the income
2 and expenses of the various stores were
3 attributed to those stores.

4 A. Well, some of the expenses,
5 like, for example, the insurance expense
6 was -- there was one check sent out, but
7 then it was distributed for all the
8 stores and it was expensed to all the
9 stores. So we had to keep that
10 separate.

11 But then the other expenses,
12 like if -- for the vendors for the food,
13 that we knew which store paid -- how
14 much it was for each store, so it was
15 related to that store.

16 And then, of course, the
17 utilities and all for each store was
18 separate, so....

19 Q. Was there a particular
20 person at United Management who was
21 responsible for making sure that the
22 income and expenses attributable to each
23 store were in fact attributed to those
24 stores?

1 A. Paul handled all the
2 operations. I don't know how that is
3 done.

4 Q. What about Bob Popp; was he
5 involved in that?

6 A. I don't know.

7 Q. While working at United
8 Management Services or Bagga Enterprises
9 did you ever have discussions with any
10 other employees or owners about making
11 sure that the expenses attributable to
12 each store were in fact attributed to
13 those stores on their profit and loss,
14 income/expense statements?

15 A. Yes. That's what we tried
16 to do, make sure that each store was
17 able to pay its expenses. So they made
18 the statements for each store to see
19 that -- I mean we know what the store
20 gets in deposits by the sales. And then
21 what the expenses are, some of them are
22 directly made for that store, the bills
23 that we get; the others have to be
24 distributed. The ones like the rent

1 that's for the office, that has to be
2 distributed. The insurance has to be
3 distributed between different, so that
4 has to be allocated.

5 So then they make the
6 statement so they know that it
7 is separate.

8 Q. To use the example you gave
9 about insurance, an allocation among the
10 various stores, who is the person who
11 actually did that? Who decided how much
12 of an insurance bill gets attributed to
13 each of these?

14 A. Well, it gets distributed
15 by each store because each store has its
16 own insurance, so they know --

17 Q. Each store has its own
18 insurance?

19 A. I mean it is paid by
20 United. But I think the policy, they
21 have to list all the stores, so each
22 store has its own allocation for
23 insurance and whatever it is for that
24 store.

1 Q. Now, have you ever seen in
2 connection with your working for United
3 Management Services or Bagga Enterprises
4 monthly profit-and-losses for each
5 store?

6 A. I don't get involved with
7 that, no.

8 Q. Do you see any annual
9 profit and losses for each store?

10 A. That's not my area. I
11 don't get into the operations of the
12 restaurants, no.

13 Q. Have you ever overheard any
14 discussion about which expenses could
15 properly be attributed to the business
16 of the stores as opposed to some other
17 enterprise?

18 A. I don't understand your
19 question.

20 Q. Have you ever heard any
21 discussion or dispute between people as
22 to whether certain expenses were even
23 properly expenses of the Arby's stores
24 as opposed to expenses of some different

1 enterprise?

2 A. No, I don't remember
3 anything like that.

4 Q. Did you personally withdraw
5 any funds from the management account
6 for United Management Services or Bagga
7 Enterprises?

8 A. What do you mean?

9 Q. Did you ever withdraw any
10 funds from one of those entities for any
11 purpose other than paying the bills of
12 the Arby's stores?

13 A. No. I had to loan -- like
14 sometimes if the money was short, I
15 would put money in and I would take it
16 out when the money was there. But there
17 were times United was short, I had to
18 put money in.

19 Q. When you say you had to put
20 money in, do you mean personal money?

21 A. Yes.

22 Q. When you put personal money
23 in, how would that infusion of money be
24 reflected on the books and records of

1 the company?

2 A. It would come under loans.

3 Q. So if you gave \$100 to
4 United Management Services, it would be
5 recorded as a loan, and when you took it
6 back, it would be repayment of the loan?

7 A. Yes, loan and exchange,
8 yes.

9 Q. Did that happen?

10 A. Sometimes, yes.

11 Q. When that happened, what
12 would the bookkeeping entry literally
13 say in the company, do you recall?

14 A. It would say deposit and it
15 would say a loan.

16 Q. Is there any other
17 situation in which you withdrew money
18 from United Management or Bagga
19 Enterprises other than to repay a loan
20 that had been made?

21 A. No, I didn't.

22 Q. Was there any occasion on
23 which the transaction worked the other
24 way around, initially you borrowed money

1 from the company and then repaid?

2 A. No.

3 Q. To your knowledge did
4 anyone else ever borrow money from
5 United Management or Bagga Enterprises?

6 A. I don't remember, no.

7 Q. Do you personally have any
8 interest in any of the Arby's
9 franchises?

10 A. No.

11 Q. Do you from time to time
12 speak to the the operators of the Arby's
13 franchises, the people who work in the
14 stores?

15 A. Not really, no.

16 Q. Do you go around to visit
17 the stores at times?

18 A. No, unless I'm in the area
19 and I need lunch. In other words -- I
20 have to eat a sandwich, get a free
21 sandwich sometimes.

22 Q. So it's not part of your
23 normal routine or responsibilities to
24 visit the stores and talk with the

1 personnel that work there?

2 A. No, no.

3 Q. And am I correct that you
4 don't perform any function in connection
5 with overseeing or supervising the
6 literal day-to-day management of those
7 stores?

8 A. Yes, you are right.

9 Q. Have you ever had any
10 discussions with anybody about the
11 equipment in those stores?

12 A. No.

13 Q. Have you ever performed any
14 function for any of the Bagga family
15 enterprises connected to Arby's in
16 connection with equipment from one store
17 to another?

18 A. No.

19 Q. Have you ever written any
20 checks on any of the Bagga family
21 enterprises for the purpose of paying
22 somebody else to move equipment from one
23 store to another?

24 A. No. I don't remember

1 anything like that.

2 Q. Have you ever paid or
3 authorized the payment of cash to any
4 truckers or Teamsters for the purpose of
5 moving equipment from one store to
6 another or to another location?

7 A. I don't remember doing
8 anything like that.

9 Q. Now, I want to give you a
10 list of locations and I want you to tell
11 me, if you can, whether the Bagga family
12 enterprises has any ownership interest
13 in the Arby's stores in these locations,
14 if there are.

15 MS. BASKIN: Clarify for me
16 what the "Bagga family enterprises"
17 are.

18 MR. HERMANN: Again, we're
19 talking about Arby's operations in
20 Pennsylvania or Texas in which the Bagga
21 family has directly or indirectly some
22 ownership interest.

23 MS. BASKIN: The "Bagga
24 family" meaning who?

1 MR. HERMANN: Meaning the
2 witness, meaning Paul Bagga.

3 MS. BASKIN: I missed the
4 first name. The witness?

5 MR. HERMANN: Meaning
6 Mrs. Bagga.

7 MS. BASKIN: Oh, okay.

8 THE WITNESS: I don't
9 understand. In Arby's?

10 BY MR. HERMANN:

11 Q. I'm just going to give you
12 locations and ask you if your family,
13 meaning you or your husband, still has
14 an ownership interest in the Arby's in
15 these locations; okay?

16 Kutztown?

17 A. Are you talking about
18 Arby's -- I don't understand the
19 question.

20 MS. BASKIN: I don't
21 understand the question, either.

22 BY MR. HERMANN:

23 Q. I want to give you some
24 locations in Pennsylvania and in

1 Texas --

2 A. Yes.

3 Q. -- which either now or at
4 some point in the past had an Arby's
5 store located and then ask you whether
6 the family enterprises, your husband and
7 you, still have an ownership interest in
8 those stores.

9 The first one I was going to
10 say was --

11 MS. BASKIN: He is going to
12 give you the location and you will see
13 whether you or your husband have an
14 ownership interest in that location.

15 BY MR. HERMANN:

16 Q. Are you with me? Kutztown,
17 Pennsylvania.

18 A. Yes.

19 Q. Pine Grove, Pennsylvania.

20 A. Yes.

21 Q. Greencastle?

22 A. Yes.

23 Q. Reading, Pennsylvania?

24 A. Yes.

1 Q. Wind Gap, Pennsylvania?

2 A. Yes.

3 Q. Pawley (sic), Pennsylvania?

4 A. Yes.

5 Q. Scranton, Pennsylvania?

6 A. Yes.

7 Q. Kingston, Pennsylvania?

8 A. Yes.

9 Q. Eynon, E-Y-N-O-N,
10 Pennsylvania?

11 A. Eynon, yes.

12 Q. Great Bend, Pennsylvania?

13 A. Yes.

14 Q. Sinking Spring,
15 Pennsylvania?

16 A. Yes.

17 Q. Wilkes-Barre?

18 A. Wilkes-Barre?

19 Q. Yes.

20 A. Yes. Some of them are
21 closed, the restaurants, so --

22 Q. I'm not asking whether they
23 are open or closed. I'm talking about
24 who they are owned by now.

1 A. If they are closed, they
2 are not owned by anybody.

3 MS. BASKIN: That's what is
4 confusing.

5 THE WITNESS: I don't
6 understand.

7 MS. BASKIN: We can go on or
8 off the record.

9 Will you say whether Mr. and
10 Mrs. Bagga personally? I mean because
11 you have changed the definition of
12 "Bagga family enterprises" a couple of
13 times.

14 THE WITNESS: I don't own
15 any of them, first of all.

16 MS. BASKIN: That's what's
17 confusing.

18 BY MR. HERMANN:

19 Q. But you recognize all of
20 these store names; right? These are the
21 ones which are managed by United
22 Management and then Bagga Enterprises?

23 A. But they are not owned by
24 the Bagga family, that's what I'm

1 saying --

2 MS. BASKIN: Because you
3 changed the definition so many times.

4 THE WITNESS: -- that's why
5 I'm confused.

6 BY MR. HERMANN:

7 Q. Well, do you want me to go
8 through them and ask you in each case
9 who owns -- you know, I will be happy to
10 do that.

11 MS. BASKIN: Is that what
12 you want to know? She will answer the
13 question you want to know; it is just
14 that your definition has changed
15 somewhat over the last couple of hours
16 and that's what is confusing.

17 MR. HERMANN: Well, I'm
18 trying to simplify it. I understand
19 they're not personally owned by them,
20 but entities in which they own or
21 control a majority interest, if that
22 will make it clearer.

23 THE WITNESS: First of all,
24 I don't own any of the Arby's. I have

1 nothing to do with them; okay? So when
2 you say "Bagga family," I don't know
3 what you mean. Arby's are owned by Paul
4 Bagga; I have nothing to do with them.
5 And some of them are closed, so nobody
6 owns them.

7 BY MR. HERMANN:

8 Q. Of the ones that I have
9 listed for you, they are all owned by
10 Paul Bagga or they are closed; right?

11 A. Arby's operations, yes.

12 Q. Which ones are the ones I
13 have already asked you about that are
14 closed?

15 A. I don't know the exact
16 location. I know some of them were
17 closed. But offhand of all the names, I
18 would be not be able to say which --
19 because it was something I have never
20 visited; I have no idea where they are.

21 Q. But you know some of the
22 ones I have mentioned to you are closed
23 and used to be owned by Paul Bagga?

24 A. Yes.

1 Q. And the rest are owned by
2 Paul Bagga; right?

3 A. Yes.

4 Q. How about Pittston?

5 A. Pittston, yes.

6 Q. And Wyoming Valley?

7 A. Yes.

8 Q. Erdenheim?

9 A. What?

10 Q. Erdenheim.

11 A. Erdenheim? What's that?

12 MS. BASKIN: That's what he
13 said.

14 THE WITNESS: There's no
15 Arby's in Erdenheim. I don't know. I
16 don't know of any. Maybe it's some --
17 sometimes they say it is like in a
18 different county or something.

19 BY MR. HERMANN:

20 Q. Harlingen, Texas?

21 A. Yes.

22 Q. Brownsville, Texas?

23 A. Yes.

24 Q. Mission, Texas?

1 A. Yes.

2 Q. Are there any locations, to
3 your knowledge, other than the ones I
4 have just mentioned to you, in which
5 Paul Bagga owns or did own an Arby's?

6 MS. BASKIN: Your question
7 is Paul Bagga personally?

8 MR. HERMANN: No; in the
9 same sense of either direct or indirect
10 ownership.

11 THE WITNESS: I think you
12 have all of them. See, I don't
13 recognize them by names and some of the
14 places I don't know. I have never been
15 to these places, so....

16 BY MR. HERMANN:

17 Q. You have never been paid by
18 any of these store locations; right?

19 A. No.

20 Q. Of the ones that are
21 closed, do you know why they are closed?

22 A. I just know they were
23 closed.

24 Q. Now, you mentioned before

1 the regional manager, Mr. Pittack. Does
2 he manage all of these stores?

3 A. Yes, I think so.

4 Q. Including the ones in
5 Texas?

6 A. Yes. I'm not sure if he
7 goes -- which stores he goes to or how
8 he manages them or --

9 Q. Are there any other
10 regional managers who manage any other
11 stores?

12 A. I don't know. I'm not
13 involved in the operations.

14 Q. Is there anybody else that
15 you know of who works in the office
16 building that you do whose job is to
17 manage on a day-to-day basis or oversee
18 the management of those Arby store
19 locations?

20 A. I don't know.

21 Q. Who does Mr. Pittack report
22 to?

23 A. Paul Bagga.

24 Q. Anybody else?

1 A. I don't know.

2 Q. Do you have computers in
3 the office building in Bethlehem Pike?

4 A. Yes.

5 Q. Are they networked in some
6 way?

7 A. What do you mean
8 "networked"?

9 Q. Are they completely stand-
10 alone computers or is there some central
11 system which links them together?

12 A. I don't know how that
13 works.

14 Q. Do you, yourself, use a
15 computer?

16 A. Not really.

17 Q. When you are in the office,
18 do you use it for any purpose?

19 A. Just for AOL, just to use
20 personal.

21 Q. Not for e-mail or for
22 business purposes?

23 A. Not for Arby's, no.

24 Q. In connection with the

1 clothing business?

2 A. Yes.

3 Q. Do you use that computer in
4 your office for that purpose?

5 A. Sometimes.

6 Q. Do you have a home office?

7 A. I have a computer at home.

8 Q. Do you use it for business
9 purposes?

10 A. What business?

11 Q. Any business you are
12 involved in, either Bagga Enterprises or
13 the clothing business or any other
14 business.

15 A. Nothing for Arby's, no.

16 Q. Do you receive any
17 financial reports? Do you periodically
18 receive any financial reports in
19 connection with the business of any of
20 the companies that I just asked you
21 about in connection with the Bagga
22 family business?

23 A. No.

24 Q. In the past year have you

1 observed anyone move any computer
2 equipment from the Bethlehem Pike
3 office?

4 A. No.

5 Q. Have you had any
6 conversations with anybody about their
7 removing any computer equipment from the
8 office?

9 A. No.

10 Q. Have any of the computers
11 in the Bethlehem Pike office been sold
12 within the last year, as far as you
13 know?

14 A. I don't know of any.

15 Q. Have you written or
16 authorized any checks or paid or
17 authorized the paying of any cash in
18 connection with the moving of any
19 computer equipment from the Bethlehem
20 Pike office within the past year?

21 A. No.

22 Q. Has anyone said to you
23 within the past year that they believe
24 that computer equipment or computer

1 files have been moved from the Bethlehem
2 Pike office?

3 A. No, I don't remember
4 anything like that, no.

5 Q. Does Bagga Enterprises and
6 United Management and Welcome Group and
7 all of the companies that I have asked
8 you about store records from their
9 computers on the premises at Bethlehem
10 Pike?

11 A. What do you mean? What
12 records?

13 Q. Disks, CDs, paper.

14 A. I don't know that, no. I
15 don't know what they do, how they store
16 it.

17 Q. Who would be in charge of
18 storage of records for that office on
19 Bethlehem Pike?

20 A. I don't know that. Paul
21 would know that. I don't know it.

22 Q. Have you ever in walking
23 through the office noticed areas where
24 files were stored?

1 A. No.

2 Q. When you want to file
3 something, what do you do with it?

4 A. I have a filing cabinet.

5 Q. If you want to file a piece
6 of paper, you would take it over to the
7 filing cabinet?

8 A. Yes.

9 Q. Are files ever moved from
10 the filing cabinet to someplace else?

11 A. No.

12 Q. Do you know whether the
13 office has any backup storage of
14 computer tapes or CDs?

15 A. I don't remember.

16 Q. How many computers are
17 there in the office on Bethlehem Pike?

18 A. Four, five.

19 Q. Do you know whether the
20 companies, any of the companies we have
21 been talking about, have purchased any
22 specialized software in connection with
23 those computers?

24 A. I don't know.

1 Q. Are you familiar with the
2 point-of-sale cash registers that are
3 used in the Arby's stores?

4 A. No, I'm not familiar.

5 Q. Did you ever talk to
6 anybody about how they work?

7 A. No.

8 Q. Did you ever hear of a
9 company called P-A-R, Par Financing
10 Corp. in Syracuse, New York?

11 A. It's -- I think it is a
12 company from the -- that lease the
13 registers for the Arby's, some of the
14 Arby's.

15 Q. Have you ever had
16 discussions with anybody from Par about
17 the money that was owed to them in
18 connection with those leases?

19 A. I haven't talked to
20 anybody, no.

21 Q. Does each store have one of
22 those point-of-sale cash registers?

23 A. Every store has a
24 register. I don't know whether it is

1 all point-of-sale or what kind of
2 registers they have.

3 Q. Do you know whether Arby's
4 requires a certain kind of point-of-sale
5 computer cash register?

6 A. I don't know.

7 Q. Are you aware of any
8 differences between the system that
9 Arby's uses for these point-of-sale cash
10 registers and what other franchises use?

11 A. No.

12 Q. I asked you before whether
13 you had ever testified. Have you ever
14 been sued personally?

15 A. I don't remember being
16 sued, no.

17 Q. As far as you can recall,
18 has any entity in which you had an
19 ownership interest, direct or indirect,
20 ever been sued?

21 A. I don't remember.

22 Q. So I take it you wouldn't
23 remember whether any judgement has been
24 entered against you in connection with

1 any lawsuit?

2 A. Yes; I don't remember.

3 Q. Have you ever made any
4 assignment for the benefit of creditors?

5 A. What is that?

6 Q. An assignment of anything
7 of value that you own, an interest that
8 you had for the benefit of creditors in
9 connection with a financial dispute.

10 A. I don't understand. What
11 is it?

12 Q. Have you ever assigned
13 property or assets that you had to
14 creditors in order to satisfy them?

15 MS. BASKIN: I'm going to
16 object and instruct her not to answer.

17 BY MR. HERMANN:

18 Q. Have you or any entity in
19 which you had an interest ever had any
20 involvement, direct or indirect, in a
21 bankruptcy proceeding apart from the
22 proceeding that's now pending involving
23 Welcome Group?

24 A. Can you repeat the

1 question?

2 Q. Have you had any
3 involvement in any bankruptcy
4 proceedings?

5 MS. BASKIN: Except for --

6 MR. HERMANN: Except for the
7 present one.

8 MS. BASKIN: -- Welcome
9 Group.

10 MR. HERMANN: Yes.

11 THE WITNESS: I don't
12 remember that. I don't know.

13 BY MR. HERMANN:

14 Q. You have never declared
15 personal bankruptcy; is that correct?

16 A. Yes; I have not.

17 Q. As far as you know, your
18 husband has never declared personal
19 bankruptcy?

20 A. Yes; he has not, as far as
21 I know.

22 Q. Did you ever hear of a
23 company called Brandt Trade,
24 B-R-A-N-D-T, Trade?

1 A. Yes.

2 Q. Who are that?

3 A. That's a company that does
4 the clothing business.

5 Q. In what connection have you
6 had dealings with anyone from Brandt
7 Trade, if you have?

8 MS. BASKIN: I'm going to
9 object and instruct her not to answer
10 unless it is related to Bagga
11 Enterprises, Jamuna, United Management,
12 or Welcome Group.

13 BY MR. HERMANN:

14 Q. Do you know whether Brandt
15 Trade is listed as a creditor of Welcome
16 Group?

17 MS. BASKIN? In the
18 bankruptcy?

19 MR. HERMANN: Yes.

20 THE WITNESS: I don't know.

21 BY MR. HERMANN:

22 Q. Have you had any
23 discussions with Brandt Trade about
24 money that they thought was owed to

1 them?

2 MS. BASKIN: By?

3 MR. HERMANN: By any entity
4 with which she had anything to do.

5 MS. BASKIN: Well, I will
6 object and instruct her not to answer
7 unless it has to do with one of these
8 four defendants.

9 BY MR. HERMANN:

10 Q. What does Brandt Trade do?
11 You said it is in the clothing business.
12 Can you be more specific?

13 A. It's involved in trading
14 clothing, name-brand products.

15 Q. To whom does it trade?

16 A. Different companies.

17 Q. Where does it trade?

18 A. It trades over here in U.S.
19 and overseas.

20 Q. Does it ship American
21 products overseas?

22 MS. BASKIN: I'm going to
23 object and instruct her not to answer
24 unless it has to do with these four

1 defendants .

2 BY MR. HERMANN:

3 Q. Is the Brandt of Brandt
4 Trade any connection to the partner of
5 Mr. Lipski of Lipski & Brandt?

6 A. What?

7 Q. Is the Brandt of Brandt
8 Trade connected to the Brandt of the
9 Lipski & Brandt law firm?

10 A. I don't know.

11 Q. Did you personally have any
12 dealings with Brandt Trade in connection
13 with your clothing business?

14 MS. BASKIN: I'm going to
15 object and instruct her not to answer.

16 BY MR. HERMANN:

17 Q. Did Brandt Trade have
18 anything to do with World Apparel or
19 American Merchandising?

20 MS. BASKIN: I'm going to
21 object and instruct her not to answer
22 unless it has do with the four
23 defendants.

24 BY MR. HERMANN:

1 Q. Have you ever heard of a
2 company called HB Properties?

3 A. I'm sorry? I couldn't hear
4 you.

5 MR. HERMANN: Why don't we
6 just stop.

7 (Luncheon recess from 1:00
8 p.m. to 1:38 p.m.)

9 MR. HERMANN: What we're
10 proposing to do is call the Court now to
11 see if the Court is available to give us
12 a ruling on the issues that we have been
13 going back and forth about here. So I
14 just wanted to ask you if you want to
15 come with us, and we can call from here
16 or from the other room.

17 MS. BASKIN: Sure.

18 MR. TABAS: We can call from
19 the other room. It might be easier.

20 MS. BURKE: Let's do that.

21 (Recess.)

22 MR. HERMANN: Just for the
23 record, we tried to reach the chambers
24 of Judge Reed. We got an answering

1 machine, so we may try later on again.

2 (The video record started.)

3 THE VIDEOTAPE SPECIALIST:

4 We're on the record. The time is
5 1:41 p.m. on June 17, 2003.

6 BY MR. HERMANN:

7 Q. When we broke, Mrs. Bagga,
8 I was asking you about HB Properties and
9 whether you know what HB Properties is.
10 Do you know what HB Properties is?

11 A. Yes.

12 Q. What is it?

13 A. It's a company, a real
14 estate company. It's owned by H. B.
15 Chawla.

16 Q. Now, is that the same
17 Mr. Chawla you mentioned before?

18 A. It's his father.

19 Q. What does HB do, HB
20 Properties do, when you say it is a real
21 estate company?

22 A. They own and manage the
23 real estate.

24 Q. In the Philadelphia area?

1 A. Yes.

2 Q. Did you ever do any work
3 for them?

4 A. No.

5 Q. Do you know who currently
6 runs that company?

7 A. HB is HB Chawla. I think
8 it's one of his sons runs that.

9 Q. Is Ravi Chawla one of his
10 sons?

11 A. Yes.

12 Q. Does he run the company
13 now?

14 MS. BASKIN: I'm going to
15 object and instruct the witness not to
16 answer unless you can show it is related
17 to one of the four defendants.

18 MR. HERMANN: So the record
19 is clear, I mean I haven't been
20 responding to each one of those
21 directions not to answer. We feel each
22 one of the directions not to answer is
23 inappropriate, that the issue of
24 relevance is for the Court, and that the

1 only appropriate objection is an
2 objection as to form, which is the issue
3 that we will raise with Judge Reed at
4 the appropriate time. Since I haven't
5 said that on the record, I might as well
6 put that on the record now.

7 MS. BASKIN: Understood.

8 BY MR. HERMANN:

9 Q. Have you had any dealings
10 yourself with HB Properties?

11 A. For what?

12 Q. For any purpose.

13 A. I don't understand. What
14 kind of dealings?

15 Q. Have you ever had any
16 dealings between any company you were
17 working for or representing and HB
18 Properties?

19 MS. BASKIN: I'm going to
20 object and instruct her that she can
21 answer only if it relates to Bagga,
22 Jamuna, United Management, or Welcome
23 Group.

24 THE WITNESS: I think one of

1 these companies, they might have
2 borrowed money from HB Properties.

3 BY MR. HERMANN:

4 Q. What makes you think that?

5 A. That's what I think, might
6 have borrowed money from them.

7 Q. Did anyone representing HB
8 Properties ever tell you that?

9 A. No.

10 Q. Did you ever see any pieces
11 of paper that evidenced that borrowing?

12 A. I don't remember exactly,
13 but I think that some money was borrowed
14 from HB Properties to run Welcome Group
15 or one of the companies. I don't
16 remember exactly what, but....

17 Q. Do you remember how long
18 ago that was when you learned that
19 information?

20 A. It probably would be in the
21 last two years maybe.

22 Q. Do you know which of the
23 entities you just mentioned borrowed the
24 money from HB Properties?

1 A. I don't remember that, no.

2 Q. Did you ever discuss that
3 borrowing with any of the Chawlas?

4 A. One of the Chawlas had to
5 get me the money from HB Properties.

6 Q. Who negotiated that loan
7 with the Chawlas on behalf of the
8 borrower?

9 A. What do you mean
10 "negotiated"?

11 Q. Who made arrangements for
12 that loan to be made by HB Properties to
13 one of the Arby's-related entities?

14 A. Probably Paul did.

15 Q. Do you know that or are you
16 guessing?

17 A. I'm guessing.

18 Q. Well, what is it that makes
19 you think such a loan was made if you
20 don't have any information about it?

21 A. I think we borrowed some
22 money from HB Properties. That's what
23 -- as best I can remember.

24 Q. And --

1 A. I'm not sure, but I think
2 there was money borrowed from them.

3 Q. Do you know how much money
4 was borrowed from them?

5 A. I don't know the amount,
6 no.

7 Q. Do you know what the rate
8 of interest was?

9 A. No.

10 Q. Do you know what the terms
11 of repayment were?

12 A. No.

13 Q. Do you know whether the
14 money was repaid already?

15 A. No, it's not been repaid.

16 Q. Did you personally
17 guarantee that loan?

18 A. I don't remember.

19 Q. Well, if you had guaranteed
20 the loan, would you remember?

21 MS. BASKIN: Her testimony
22 is that she doesn't remember.

23 MR. HERMANN: I'm just
24 trying to find out why the witness

1 doesn't remember, whether it is because
2 she has guaranteed so many loans or it
3 is not the kind of thing she would
4 remember.

5 THE WITNESS: I don't know
6 if I signed some paper. I don't
7 remember whether I just sign to get a
8 check or there was a guarantee or
9 something. I don't remember that.

10 BY MR. HERMANN:

11 Q. Do you recall signing some
12 paper in connection with that loan?

13 A. I don't remember.

14 Q. Do you remember seeing any
15 document which showed that the borrowed
16 funds had come into one of the companies
17 you work with, a wire transfer or
18 something of that sort?

19 A. I think there was a deposit
20 in one of the companies.

21 Q. To the best of your
22 recollection, when was that deposit
23 made?

24 A. Last few months. It could

1 have been a year. I don't remember.

2 Q. Was it recorded on the
3 books of any of the companies we have
4 been discussing as a loan?

5 A. I don't know.

6 Q. Did you ever discuss the
7 repayment of this loan with Ravi Chawla?

8 A. No.

9 Q. Did you ever hear of Sant
10 Properties, S-A-N-T?

11 A. Yes.

12 Q. What is that?

13 A. It's a company owned by one
14 of the Chawlas.

15 Q. And do you know what it
16 does?

17 A. It owns real estate,
18 manages real estate.

19 Q. And have you or any entity
20 for which you ever worked or associated
21 ever done any business with Sant
22 Properties?

23 A. We borrowed money from Sant
24 Properties.

1 Q. Who borrowed money from
2 Sant Properties?

3 A. One of the companies.

4 Q. And this is separate and
5 apart from borrowing money from HP
6 Properties; right?

7 A. Yes.

8 Q. When did that borrowing
9 occur?

10 A. Probably in about the last
11 year, year and a half.

12 Q. Who are the owners of Sant
13 Properties?

14 A. I don't know exactly who is
15 owner.

16 Q. Do you know anybody who is
17 an owner of Sant Properties?

18 A. I don't know if it's owned
19 by a trial store or it's owned by
20 individuals. I don't know exactly what
21 the ownership is.

22 THE COURT REPORTER: "I
23 don't know if it's owned by a" --

24 THE WITNESS: A trial store.

1 THE COURT REPORTER: A trial
2 store?

3 THE WITNESS: I don't know
4 the exact ownership structure.

5 BY MR. HERMANN:

6 Q. Did you ever talk to
7 anybody from Sant Properties?

8 A. For what?

9 Q. For any purpose. Did you
10 ever talk to anybody who you knew to be
11 a representative of Sant Properties?

12 A. Yes.

13 Q. Who was that?

14 A. It's Chawlas.

15 Q. Which Chawla?

16 A. Hardeep Chawla.

17 Q. How do you spell that?

18 A. H-A-R-D-E-E-P.

19 Q. Is Hardeep Chawla related
20 to Ravi Chawla?

21 A. Yes.

22 Q. What is the relationship?

23 A. They are brothers.

24 Q. Do you understand anything

1 about who the officers or employees are
2 of Sant Properties?

3 A. No.

4 Q. Do you know what position
5 Hardeep Chawla had in that company?

6 A. No.

7 Q. Did anyone ever tell you
8 whether Ravi had an ownership interest
9 in that as well?

10 A. Can you repeat that? What
11 did you say?

12 MR. HERMANN: Can you read
13 it back.

14 (The court reporter read the
15 record as follows:

16 "QUESTION: Did anyone ever
17 tell you whether Ravi had an ownership
18 interest in that as well?")

19 THE WITNESS: No.

20 BY MR. HERMANN:

21 Q. Who on behalf of the
22 companies that you represented
23 negotiated a loan from Sant Properties?

24 A. I think it must have been

1 Paul .

2 Q. Did you, yourself, take
3 part in any of those discussions leading
4 up to the borrowing?

5 A. No .

6 Q. Did you ever see any
7 documents that evidence that borrowing?

8 A. Documents for what?

9 Q. That showed what the terms
10 of the borrowing were .

11 A. No .

12 Q. Do you --

13 A. I don't remember, no .

14 Q. Do you know whether there
15 is a piece of paper that reflects that
16 loan?

17 A. I don't know. I think
18 there is. I'm not sure.

19 Q. Do you know to what company
20 that loan was made or companies?

21 A. I don't remember exactly
22 which company the loan was made to .

23 Q. Do you know what the amount
24 of the loan was?

1 A. Different amounts. It is
2 taken at different times, so I don't
3 know what --

4 Q. How many different times
5 were loans made by Sant Properties?

6 A. I don't know if like Sant
7 Properties or HB Properties, how many
8 times or what were amounts. I can't
9 recollect that.

10 Q. Where would there be a
11 record in the books and records of
12 Management or Welcome Group or Bagga
13 Enterprises of the amount of the
14 outstanding loans to Sant Properties and
15 HB Properties?

16 A. I guess it would show up in
17 the balance sheet.

18 Q. Have you ever seen that
19 shown on the balance sheet?

20 A. No.

21 Q. And to your understanding
22 these advances were loans and not equity
23 investments; is that correct?

24 A. Yes, they were loans.

1 Q. Do you know what the total
2 amount of the Sant Properties loans made
3 at various times was?

4 A. No.

5 Q. Has that -- have those
6 loans been repaid?

7 A. As far as I know, no, they
8 have not been repaid.

9 Q. Do you know whether any
10 efforts have been made by Sant
11 Properties to obtain repayment of the
12 loans it made?

13 A. No, I don't.

14 Q. Do you know whether any
15 efforts were made by HB Properties to
16 obtain repayment of the loans it had
17 made?

18 A. No, I don't.

19 Q. Did you ever hear of a
20 company called KPE? KPE.

21 A. Just KPE?

22 Q. Yes.

23 A. (Witness shakes head.)

24 Q. You are not familiar with

1 any entity with those initials?

2 A. No.

3 Q. To your knowledge does
4 Welcome Group owe any money to a company
5 called KPE?

6 A. I don't know.

7 Q. Do you know who Norman
8 Cahan is?

9 A. Yes.

10 Q. Who is he?

11 A. He is an accountant.

12 Q. Is he your accountant?

13 A. He is an accountant for the
14 companies.

15 Q. The Bagga operating
16 companies related to the Arby's
17 franchises?

18 A. Yes.

19 Q. Is he also your personal
20 accountant?

21 A. I'm not sure. I think he
22 does the personal taxes, also. I'm not
23 sure.

24 Q. Do you know a Bruce Cahan?

1 A. I think he works in the
2 same office.

3 Q. Is he Norm Cahan's brother?

4 A. I don't know.

5 Q. You have never spoken to
6 him?

7 A. I might have.

8 Q. Have you ever met him, as
9 far as you know?

10 A. I don't know. I might have
11 met him in Norman's office. I don't
12 know. I don't remember.

13 Q. Have you from time to time
14 gone to Norman Cahan's office?

15 A. I have gone there a couple
16 of times, yes.

17 Q. Have those visits been in
18 connection with your personal finances
19 or your business finances?

20 A. I have just been there to
21 drop off or to pick up something for the
22 office.

23 Q. Have you ever gone there to
24 discuss accounting issues with him?

1 A. I don't remember that, no.

2 Q. Have you in fact ever
3 discussed accounting issues with him?

4 A. With who?

5 Q. Norman Cahan.

6 A. No, not really.

7 Q. Have you ever been at any
8 meetings in which he was present at
9 which accounting issues were discussed?

10 A. Yes, I have been. I think
11 some meeting I might have been there,
12 yes.

13 Q. Is it one meeting or more
14 than one meeting?

15 A. More than one, yes.

16 Q. And did those meetings take
17 place at your office or at his or some
18 other place?

19 A. Our office.

20 Q. Approximately how many such
21 meetings did you attend?

22 A. I didn't attend any
23 meetings. Sometimes he came to the
24 office. I didn't attend the meeting.

1 Q. So is it your testimony he
2 came to the office and talked to you and
3 other people but they were not formal
4 meetings?

5 A. Well, he had a meeting with
6 Paul ,basically. I'm not a part of the
7 meetings.

8 Q. On those occasions when he
9 came to your office and talked with Paul
10 or somebody else, did you ever talk to
11 him other than to say hello and how are
12 you and things like that?

13 A. No, not really.

14 Q. When did you first meet
15 Norman Cahan?

16 A. A few years ago.

17 Q. What do you mean by "a
18 few"? Five years ago? Ten years ago?

19 A. Six, seven years ago
20 maybe. I don't know the exact time that
21 I met him, no.

22 Q. Have you ever heard Norman
23 Cahan discuss anything related to the
24 strategy for paying off some of the

1 debts of the Bagga-related companies?

2 A. No.

3 Q. Did you ever discuss any
4 business deals with Norman Cahan or were
5 you ever present at any meetings in
6 which that was discussed?

7 A. What kind of business
8 deals?

9 Q. Possible new business deals
10 for you or your husband or both.

11 A. I don't understand. What
12 business?

13 Q. Well, you and your husband
14 have been involved in numerous business
15 ventures; am I correct?

16 A. Yes.

17 Q. Have you ever been present
18 at a meeting at which that was discussed
19 with Norman Cahan either before an
20 investment was made or after?

21 A. I don't understand what --

22 Q. What is it that you don't
23 understand?

24 A. I don't understand the

1 meeting about business deals. What
2 business deals?

3 Q. I'm asking you whether the
4 subject of business deals was ever
5 discussed in your presence with Norman
6 Cahan.

7 A. I don't remember.

8 Q. Were you ever present at
9 any discussion in which the possibility
10 that Norman Cahan would have a personal
11 interest in some Bagga family business
12 deal was discussed?

13 A. Can you repeat that?

14 (The court reporter read the
15 record as follows:

16 "QUESTION: Were you ever
17 present at any discussion in which the
18 possibility that Norman Cahan would have
19 a personal interest in some Bagga family
20 business deal was discussed?")

21 MS. BASKIN: Now what do you
22 mean by "Bagga family business"?

23 MR. HERMANN: I mean any
24 transaction in which Paul Bagga or

1 Mrs. Bagga would be involved, period.

2 MS. BASKIN: I will object.

3 And limit your response, if
4 you have one, to any dealings regarding
5 Bagga Enterprises, Jamuna, United, or
6 Welcome Group.

7 THE WITNESS: I don't
8 remember anything.

9 BY MR. HERMANN:

10 Q. Were you ever present at
11 any discussion in which your husband
12 said in words or substance to Norm
13 Cahan, "This is a venture or business
14 that you should consider investing in"?

15 A. No.

16 Q. To your knowledge does
17 Norman Cahan have any investment
18 interest in any of the businesses in
19 which you and/or your husband have an
20 interest?

21 A. No, I don't.

22 Q. Did you ever sit down and
23 review documents with Norm Cahan of any
24 sort?

1 A. What kind of documents?

2 Q. Tax return, such as.

3 A. No.

4 Q. Books and records of one of
5 the companies?

6 A. No.

7 Q. Did you ever discuss the
8 litigation on which this testimony is
9 being given with Norm Cahan?

10 A. I don't understand that.

11 Q. Did you ever discuss this
12 litigation with Mr. Cahan?

13 A. What is "this litigation"?
14 Which --

15 MR. HERMANN: Do you want
16 to --

17 MS. BASKIN: You were
18 noticed for a deposition --

19 THE WITNESS: Yes.

20 MS. BASKIN: -- under the
21 litigation by FL Receivable versus
22 Bagga, Jamuna, United, and Welcome
23 Group. Did you ever sit down and talk
24 to Norm Cahan about this litigation?

1 THE WITNESS: Oh, no.

2 BY MR. HERMANN:

3 Q. Have you talked to him in
4 the last couple of months?

5 A. I don't remember.
6 Probably. I don't know. I don't
7 remember.

8 Q. Did you discuss with him at
9 all the possibility that you were going
10 to have to testify in this litigation?

11 A. With Norman?

12 Q. Yes.

13 A. No.

14 Q. Do you know whether Norm
15 Cahan does any work for the Chawla
16 family?

17 MS. BASKIN: Object and
18 instruct the witness not to answer.

19 BY MR. HERMANN:

20 Q. Does Victor Lipski
21 represent you personally?

22 A. I think he represents Paul;
23 he doesn't represent me.

24 Q. Do you know whether Victor

1 Lipski represents United Management
2 Services?

3 MS. BASKIN: Are you talking
4 about presently or at any time?

5 MR. HERMANN: Presently.

6 THE WITNESS: I don't know.
7 I'm confused who represents which
8 company.

9 BY MR. HERMANN:

10 Q. Do the Bagga family
11 companies have more than one lawyer?

12 A. Victor originally worked
13 for this, but I don't know who is
14 representing who now.

15 Q. Well, if you had a
16 situation in which you needed to call a
17 lawyer in connection with the work of
18 United Management or Bagga Enterprises,
19 who would you call?

20 A. I would call Leslie.

21 MS. BASKIN: Whether she
22 personally had or --

23 MR. HERMANN: No. I'm
24 asking her if she had a business problem

1 in connection with something she needed
2 to know regarding the business of those
3 companies, who would you call?

4 MS. BASKIN: If you were
5 calling on behalf of one of these
6 businesses, Bagga, Jamuna, United, or
7 Welcome, which lawyer would you call?

8 THE WITNESS: Oh. Yes, I
9 would call Victor.

10 BY MR. HERMANN:

11 Q. Have you ever met with him
12 about business matters?

13 A. I have met with Victor,
14 yes.

15 Q. Was that in relation to
16 business matters?

17 A. Yes.

18 Q. On how many occasions in
19 recent years would you say you met with
20 Victor Lipski to talk about business
21 matters?

22 A. How many times in what time
23 period?

24 Q. The last three years.

1 A. Last three years? I met
2 him two or three times.

3 Q. And who was present at
4 those meetings besides the two of you?

5 A. Paul.

6 Q. Anybody else?

7 A. No. I don't remember.

8 Q. Who introduced you to
9 Victor Lipski?

10 A. We have known the firm for
11 a long time; but Phil Brandt, he was the
12 attorney, and then Victor Lipski is his
13 partner, so....

14 Q. Did you use both of those
15 lawyers in connection with business
16 dealings?

17 A. Mostly Victor.

18 THE COURT REPORTER: Mostly
19 Victor?

20 THE WITNESS: Yes; sorry.
21 BY MR. HERMANN:

22 Q. And Victor also represents
23 Mr. Chawla, Ravi Chawla?

24 A. I don't know.

1 Q. To your knowledge does
2 either Mr. Lipski or Mr. Brandt have an
3 equity interest in any of the Bagga
4 companies related to the Arby's
5 properties?

6 A. No.

7 Q. Has either one, to your
8 knowledge, lent any money to those
9 properties or companies?

10 A. I don't know.

11 MR. HERMANN: Can we just go
12 off the record for a second?

13 THE VIDEOTAPE SPECIALIST:
14 Off the tape 2:09.

15 (Recess.)

16 THE VIDEOTAPE SPECIALIST:
17 We're back on the record. The time is
18 2:21.

19 BY MR. HERMANN:

20 Q. Ms. Bagga, if I understood
21 you correctly, you testified before that
22 United Management Services manages the
23 Arby's properties and other things, I
24 think you mentioned. What other things

1 does it manage?

2 A. I said Arby's -- at that
3 time we were talking about Bagga and
4 Welcome managed the Poojan store.
5 That's separate. And it's down the road
6 from Brandt Trade.

7 THE COURT REPORTER: I'm
8 sorry?

9 THE WITNESS: For Brandt
10 Trade.

11 BY MR. HERMANN:

12 Q. And what did it do for
13 Brandt Trade?

14 A. Just some of the management
15 work, just --

16 Q. Did it manage anything for
17 anybody else, any other business
18 entities?

19 A. It managed American
20 Merchandise.

21 Q. American Merchandise?

22 A. Yes.

23 Q. Does it still manage
24 anything for American Merchandise?

1 A. No.

2 Q. And when did that
3 relationship end?

4 A. A couple of years ago.

5 Q. As far as you know, does
6 American Merchandise still exist?

7 A. No.

8 Q. It doesn't exist anymore?

9 A. I don't think so, no.

10 Q. How about World Apparel
11 Products; does that still exist?

12 A. I don't think so.

13 Q. You mentioned before in
14 connection with a loan transaction
15 having a conversation with Hardeep
16 Chawla.

17 A. Uh-huh.

18 Q. Am I pronouncing it
19 correctly? Hardeep Chawla. To the best
20 of your recollection, what did you say
21 to him and what did he say to you about
22 that loan?

23 A. I just picked up the check
24 from him once. I talked to him. Paul

1 said that we needed the money and he was
2 going to lend the money, so I talked to
3 him if I could get the money and he said
4 yes.

5 Q. So were you the person who
6 contacted Hardeep Chawla about that
7 loan?

8 A. I contacted him to get the
9 money.

10 Q. Had your husband contacted
11 Mr. Chawla before you?

12 A. Yes.

13 Q. So was the loan already set
14 by the time you contacted him?

15 A. Yes.

16 Q. And you just picked up the
17 check?

18 A. Yes. A couple of times I
19 picked up the check, yes.

20 Q. On those couple of
21 occasions when you picked up the check,
22 did you have any conversation with
23 Mr. Chawla?

24 A. Yes, I talked to him.

1 Q. Well, then, other than
2 hello, goodbye, and pleasantries, what
3 did you talk about?

4 A. Nothing, really.

5 Q. Did you explain why the
6 money was needed?

7 A. No.

8 Q. Did he ask you to sign
9 anything when you got the checks?

10 A. I don't remember, but I
11 think I signed something when I took the
12 check.

13 Q. But you don't recall what
14 it was you signed; is that correct?

15 A. I don't remember that, no.

16 Q. Where did you go to pick up
17 the check or checks?

18 A. At his office.

19 Q. And where is that?

20 A. In Northeast Philadelphia.

21 Q. Is there a company name on
22 the door?

23 A. I don't remember that.

24 Q. Does anybody else in his

1 family work in that office?

2 A. His wife does.

3 Q. How many Chawla brothers
4 are there?

5 A. Four.

6 Q. And is Hardeep, Ravinder,
7 G. T., and Jagit -- is that how it is
8 pronounced? Is he one of the brothers,
9 J-A-G-I-T?

10 A. No. G. T. and Jagit are
11 the same person.

12 Q. So who is the fourth?

13 A. Dan.

14 Q. And do they all work in the
15 same office?

16 A. No.

17 Q. How long have you known
18 Ravi Chawla?

19 A. 18 years.

20 Q. How did you meet him? How
21 did you meet him?

22 A. My father-in-law was here
23 and he knew Ravi's mom, so he wanted to
24 meet his mom, so that's how we met.

1 Q. At one point he worked for
2 Air Products in Philadelphia, didn't he?

3 A. I did?

4 Q. No; he did.

5 A. Who did?

6 Q. Ravi Chawla.

7 A. I don't know if that....

8 Q. Since you met him in or
9 about 1985, have you socialized with
10 him?

11 A. '87.

12 Q. '87. Have you socialized
13 with him?

14 A. Yes.

15 Q. With your husband?

16 A. Yes.

17 Q. And on your own, too?

18 MS. BASKIN: Object and
19 instruct her not to answer.

20 BY MR. HERMANN:

21 Q. Have you and Mr. Chawla
22 ever had lunch together?

23 MS. BASKIN: Object and
24 instruct the witness not to answer

1 unless it is related to one of these
2 four defendants.

3 BY MR. HERMANN:

4 Q. Have you ever had lunch
5 with Mr. Chawla and discussed the
6 Arby's-related businesses of the Bagga
7 family?

8 A. No.

9 Q. Do you speak on the phone
10 to Ravi Chawla from time to time?

11 A. Yes.

12 Q. Do you discuss business
13 matters with him?

14 A. Sometimes.

15 Q. Approximately how
16 frequently do you speak to Mr. Chawla on
17 the telephone?

18 MS. BASKIN: I would object.

19 And just limit it to your
20 conversations related to these four
21 defendants: Bagga, Jamuna, United, and
22 Welcome.

23 MR. HERMANN: Just so it is
24 clear, I'm not accepting that

1 limitation.

2 But you can answer the
3 question as your counsel has limited it.

4 BY MR. HERMANN:

5 Q. The question, that is,
6 approximately how frequently do you
7 speak to Mr. Chawla on the phone about
8 business matters?

9 A. About business matters?
10 Not much, no.

11 Q. So most of your
12 conversations are about personal or
13 social matters?

14 A. Yes.

15 Q. When you do discuss
16 business matters with Mr. Chawla, what
17 business matters do you discuss with
18 him?

19 A. Anything. I mean....

20 Q. Have you discussed the cash
21 flow problems of the Arby's businesses?

22 A. Yes, sometimes.

23 Q. Have you ever sought his
24 advice about those problems?

1 A. No.

2 Q. Has he ever given you
3 unsolicited advice about those problems?

4 A. No.

5 Q. Well, can you think of some
6 examples of business problems that you
7 have discussed with him in connection
8 with the Arby's franchises?

9 A. I don't remember anything
10 about Arby's problems talking to him
11 about.

12 Q. You don't remember
13 discussing anything with him in
14 connection with the Arby's properties;
15 is that correct?

16 A. Yes; I don't remember.

17 Q. Has he ever given you any
18 financial advice in connection with
19 those businesses?

20 A. No.

21 Q. Now, Mr. Chawla is a real
22 estate developer in Philadelphia, among
23 other things, isn't he?

24 A. Yes.

1 Q. Is your husband doing a
2 real estate deal with him now involving
3 an office building in Philadelphia?

4 MS. BASKIN: Object and
5 instruct you not to answer unless it
6 relates to these four entities.

7 BY MR. HERMANN:

8 Q. Did you ever work for a
9 company that Ravi Chawla owned in whole
10 or in part?

11 A. Yes.

12 Q. What company was that?

13 A. World Apparel.

14 Q. And you said that World
15 Apparel doesn't exist anymore; is that
16 correct?

17 A. Yes.

18 Q. When it did exist, what did
19 it do?

20 A. It was in the clothing
21 business.

22 Q. Can you be more specific
23 about what it did?

24 A. It had stores at one time

1 when they were in the distribution
2 business.

3 Q. Stores in the United
4 States?

5 A. Yes.

6 Q. In Philadelphia?

7 A. Yes.

8 Q. What were those stores
9 called?

10 A. Sunshine Blues.

11 Q. And did World Apparel
12 Products also engage in export of
13 clothing?

14 MS. BASKIN: Object and
15 instruct the witness not to answer
16 unless it is related to one of these
17 four defendants.

18 MR. HERMANN: How am I
19 supposed to find out except getting the
20 answer to the question?

21 MS. BASKIN: Well, if her
22 answer would include one of these four
23 defendants, then she can answer.

24 MR. HERMANN: Oh. But you

1 instructed her not to answer.

2 MS. BASKIN: I will clarify
3 it.

4 You are instructed to answer
5 only to the extent that it would include
6 Bagga, Jamuna, United, and Welcome
7 Group.

8 THE WITNESS: I don't need
9 to answer then.

10 BY MR. HERMANN:

11 Q. Did World Apparel Products
12 engage in transactions with American
13 Merchandise Company?

14 MS. BASKIN: Object, unless
15 it included dealings with one of these
16 four defendants.

17 MR. HERMANN: Are you
18 instructing her not to answer?

19 MS. BASKIN: I'm instructing
20 her not to answer.

21 BY MR. HERMANN:

22 Q. Now, you said before that
23 J. G. Chawla is Ravi Chawla's brother;
24 is that correct?

1 A. Yes.

2 Q. And is he also the owner of
3 American Merchandise?

4 A. I don't think so, no.

5 Q. Who does own American
6 Merchandise?

7 A. Paul, Paul does.

8 Q. Did J. G. Chawla at one
9 point own 100% of American Merchandise?

10 A. Yes, he may have.

11 Q. Did your husband buy that
12 from him in 1999?

13 A. I don't know how they took
14 over, but you are right, at one time G.
15 T. owned it and then Paul took it.

16 Q. I apologize. I've been
17 calling him J. G. It's G. T.

18 A. Yes, it's G. T. we just
19 call him. It is a short name. Yes; I'm
20 sorry. It is the same person.

21 Q. Now, do you know when
22 American Merchandise Company got
23 started?

24 MS. BASKIN: Object and

1 instruct the witness not to answer.

2 BY MR. HERMANN:

3 Q. Were you the secretary of
4 American Merchandise when it got started
5 in or about 1991?

6 A. I don't --

7 MS. BASKIN: I'm going to
8 object and instruct the witness not to
9 answer any questions regarding World
10 Apparel or American Merchandising unless
11 it is related to these four defendants.

12 You are instructed not to
13 answer unless it is related to one of
14 these four defendants.

15 THE WITNESS: No, it is not
16 related, so....

17 BY MR. HERMANN:

18 Q. Is it your testimony that
19 you know the answer to that but you
20 don't think it is related to one of
21 those four entities?

22 A. Pardon? I'm sorry. I
23 didn't get it.

24 (The court reporter read the

1 record as follows:

2 "QUESTION: Is it your
3 testimony that you know the answer to
4 that but you don't think it is related
5 to one of those four entities?")

6 THE WITNESS: I don't really
7 know.

8 BY MR. HERMANN:

9 Q. So your testimony is you
10 don't know whether you were the
11 secretary of American Merchandise in
12 19 --

13 A. Oh, no. Okay. I'm sorry.
14 I got confused with that.

15 I remember signing something
16 for American Merchandise back in the
17 early '90s.

18 MS. BASKIN: I'm instructing
19 you not to answer unless your answer --

20 THE WITNESS: Is related to
21 --

22 MS. BASKIN: -- is related
23 to Bagga, Jamuna, United, or Welcome.

24 THE WITNESS: Yes. I'm

1 instruct the witness not to answer.

2 BY MR. HERMANN:

3 Q. Were you the secretary of
4 American Merchandise when it got started
5 in or about 1991?

6 A. I don't --

7 MS. BASKIN: I'm going to
8 object and instruct the witness not to
9 answer any questions regarding World
10 Apparel or American Merchandising unless
11 it is related to these four defendants.

12 You are instructed not to
13 answer unless it is related to one of
14 these four defendants.

15 THE WITNESS: No, it is not
16 related, so....

17 BY MR. HERMANN:

18 Q. Is it your testimony that
19 you know the answer to that but you
20 don't think it is related to one of
21 those four entities?

22 A. Pardon? I'm sorry. I
23 didn't get it.

24 (The court reporter read the

1 record as follows:

2 "QUESTION: Is it your
3 testimony that you know the answer to
4 that but you don't think it is related
5 to one of those four entities?")

6 THE WITNESS: I don't really
7 know.

8 BY MR. HERMANN:

9 Q. So your testimony is you
10 don't know whether you were the
11 secretary of American Merchandise in
12 19 --

13 A. Oh, no. Okay. I'm sorry.
14 I got confused with that.

15 I remember signing something
16 for American Merchandise back in the
17 early '90s.

18 MS. BASKIN: I'm instructing
19 you not to answer unless your answer --

20 THE WITNESS: Is related to
21 --

22 MS. BASKIN: -- is related
23 to Bagga, Jamuna, United, or Welcome.

24 THE WITNESS: Yes. I'm

1 sorry. I'm getting confused. It is not
2 related; I'm sorry. I'm just getting
3 confused with....

4 BY MR. HERMANN:

5 Q. What were your job
6 responsibilities at American
7 Merchandise?

8 THE WITNESS: It is not
9 related to this.

10 MS. BASKIN: I would like to
11 see -- I'm going to give him one or two
12 questions to see if it is going anywhere
13 or I believe it is under the purview of
14 this litigation.

15 (The court reporter read the
16 record as follows:

17 "QUESTION: What were your
18 job responsibilities at American
19 Merchandise?")

20 MS. BASKIN: You can answer.

21 THE WITNESS: Okay. I
22 didn't really have any responsibilities.

23 BY MR. HERMANN:

24 Q. Did you go to work there

1 during the day?

2 MS. BASKIN: I'm going to
3 instruct her not to answer.

4 BY MR. HERMANN:

5 Q. Did you earn a salary from
6 American Merchandise?

7 MS. BASKIN: I'm going to
8 object and instruct the witness not to
9 answer.

10 BY MR. HERMANN:

11 Q. Was your husband, Paul, the
12 vice-president of finance for American
13 Merchandise Company in the early 1990s?

14 MS. BASKIN: I'm going to
15 object and instruct the witness not to
16 answer.

17 BY MR. HERMANN:

18 Q. Do you have a brother that
19 is in the clothing business?

20 A. Yes.

21 Q. What's his name?

22 A. Jaspal.

23 Q. Can you spell that for me,
24 please?

1 A. J - A - S - P - A - L .

2 Q. And the last name?

3 A. Bagga .

4 Q. Is there any familial
5 relationship between Ravi Chawla and
6 Paul Bagga?

7 A. In my -- Jaspal Bagga or
8 Paul Bagga?

9 Q. Paul Bagga .

10 A. Paul Bagga. They are --
11 Paul's grandmother and Ravi's
12 grandmother or grandfather were related
13 some way .

14 Q. Are they second cousins?

15 A. I don't know if it would be
16 second or third. The grandparents were
17 related .

18 Q. Did your brother ever work
19 for American Merchandise Company?

20 A. My brother?

21 MS. BASKIN: I'm sorry. I
22 didn't hear. I was listening to
23 whatever --

24 MR. HERMANN: Do you want to

1 hear the question back?

2 MS. BASKIN: If you could.

3 (The court reporter read the
4 record as follows:

5 "QUESTION: Did you brother
6 ever work for American Merchandise
7 Company?")

8 THE WITNESS: I don't know.

9 MS. BASKIN: I'm going to
10 object and instruct the witness not to
11 answer.

12 BY MR. HERMANN:

13 Q. Did your brother ever work
14 for Worldwide Apparel Company?

15 MS. BASKIN: I'm going to
16 object and instruct the witness not to
17 answer.

18 BY MR. HERMANN:

19 Q. What is Brand Mania?

20 A. It was a company a few
21 years ago, it was one of the dot-com
22 companies that was -- it was supposed to
23 sell clothing over the Internet.

24 Q. It went under?

1 A. Yes.

2 Q. Did you have any
3 involvement with that company?

4 A. Yes.

5 Q. What was your role?

6 A. I just worked with them on
7 different things when they were trying
8 to put it together.

9 Q. And did you -- withdrawn.
10 Did your husband have any
11 involvement with that company?

12 A. No.

13 Q. Did the Chawlas have any
14 involvement with that company?

15 MS. BASKIN: Object and
16 instruct the witness not to answer
17 unless it is related to one of these
18 four defendants.

19 You don't have to answer it
20 unless it is related.

21 BY MR. HERMANN:

22 Q. Who is Amar Singh?

23 A. He was one of the employees
24 for World Apparel.

1 Q. He was vice-president of
2 World Apparel, wasn't he?

3 A. Yes.

4 Q. And what is his
5 relationship to the Chawlas?

6 A. I don't know of any
7 relationship.

8 Q. Are you aware of any family
9 relationship between them?

10 A. Pardon?

11 Q. Of any family relationship
12 between them.

13 A. I don't know of any.

14 Q. What did he do for World
15 Apparel?

16 MS. BASKIN: I object and
17 instruct the witness not to answer
18 unless it is related to these four
19 defendants.

20 BY MR. HERMANN:

21 Q. Now, you mentioned before
22 this there came a time when your husband
23 acquired American Merchandising
24 Corporation from the Chawlas. Were you

1 ever present at any time when they had a
2 conversation about that transfer?

3 MS. BASKIN: I'm going to
4 object and instruct the witness not to
5 answer unless it is related to one of
6 these four defendants.

7 You have to advise whether
8 it is related.

9 THE WITNESS: Oh, okay. I
10 apologize.

11 No, it is not related.
12 Sorry.

13 BY MR. HERMANN:

14 Q. Were you ever present at
15 any discussion about taking American
16 Merchandise Corporation public?

17 MS. BASKIN: Object and
18 instruct the witness not to answer
19 unless it is related to one of these
20 four defendants.

21 BY MR. HERMANN:

22 Q. Do you know how much your
23 husband paid for American Merchandise
24 Company?

1 MS. BASKIN: Object and
2 instruct the witness not to answer
3 unless it is related to one of these
4 four defendants.

5 BY MR. HERMANN:

6 Q. Did you stay on as an
7 officer of American Merchandise after
8 the sale of the company to your husband?

9 MS. BASKIN: Object and
10 instruct the witness not to answer
11 unless it is related to one of these
12 four defendants.

13 BY MR. HERMANN:

14 Q. Now, tell me what you know
15 about the dealings between American
16 Merchandise Company and World Apparel in
17 connection with sales of branded
18 American goods overseas.

19 MS. BASKIN: Object and
20 instruct the witness not to answer
21 unless it is related to one of these
22 four defendants.

23 BY MR. HERMANN:

24 Q. Do you know whether

1 American Merchandising Company lent sums
2 of money to World Apparel in order to
3 purchase goods for resale overseas?

4 MS. BASKIN: Object and
5 instruct the witness not to answer
6 unless it is related to one of these
7 four defendants.

8 BY MR. HERMANN:

9 Q. Are you familiar with any
10 transaction in which American
11 Merchandising Company advanced sums of
12 money to World Apparel in order for
13 World Apparel to purchase branded
14 American goods to be sold overseas?

15 MS. BASKIN: Object and
16 instruct the witness not to answer
17 unless it is related to one of these
18 four defendants.

19 BY MR. HERMANN:

20 Q. Do you know whether
21 American Merchandising Company lost
22 millions of dollars in advancing sums to
23 World Apparel?

24 MS. BASKIN: Object and

1 instruct the witness not to answer
2 unless it is related to one of these
3 four defendants.

4 BY MR. HERMANN:

5 Q. Did you ever talk to Ravi
6 Chawla about the money that American
7 Merchandising Company advanced to World
8 Apparel for purchase of goods to be sold
9 overseas?

10 MS. BASKIN: Object and
11 instruct the witness not to answer
12 unless it is related to one of these
13 four defendants.

14 BY MR. HERMANN:

15 Q. Did you ever hear your
16 husband say in the presence of anybody
17 else that the reason he couldn't repay
18 the loans which are underlying this
19 litigation was because of the money he
20 lost in connection with a transaction in
21 which monies were advanced for purchase
22 of branded goods to be sold overseas?

23 MS. BASKIN: Object and
24 instruct the witness not to answer based

1 on spousal privilege.

2 MR. HERMANN: I asked about
3 in the presence of others.

4 MS. BASKIN: You are right.

5 BY MR. HERMANN:

6 Q. So you can answer.

7 A. I don't have an answer.

8 Q. Sorry?

9 A. I have no answer.

10 Q. Does that mean yes or no?

11 A. I don't --

12 Q. You never heard your
13 husband say that or you did hear him say
14 it?

15 A. Say what?

16 MS. BASKIN: Can you repeat
17 that?

18 THE WITNESS: Yes. I got
19 confused between everything.

20 (The court reporter read the
21 record as follows:

22 "QUESTION: Did you ever
23 hear your husband say in the presence of
24 anybody else that the reason he couldn't

1 repay the loans which are underlying
2 this litigation was because of the money
3 he lost in connection with a transaction
4 in which monies were advanced for
5 purchase of branded goods to be sold
6 overseas?")

7 THE WITNESS: I don't
8 remember that.

9 BY MR. HERMANN:

10 Q. Were you ever present in
11 any conversation in which your husband
12 described how one of his companies lost
13 substantial amounts of money in
14 advancing funds to a company owned by
15 the Chawlas?

16 MS. BASKIN: I apologize.
17 Can you repeat that?

18 (The court reporter read the
19 record as follows:

20 "QUESTION: Were you ever
21 present in any conversation in which
22 your husband described how one of his
23 companies lost substantial amounts of
24 money in advancing funds to a company

1 owned by the Chawlas?")

2 MS. BASKIN: I instruct you
3 not to answer unless those comments, if
4 they were made, were made while other
5 people were there.

6 THE WITNESS: I don't have
7 an answer, no.

8 BY MR. HERMANN:

9 Q. What do you mean you don't
10 have an answer? You don't know whether
11 the answer is yes or no?

12 A. I don't understand the
13 question.

14 Q. You do not understand the
15 question?

16 A. No.

17 MR. HERMANN: Can you read
18 it back again?

19 I'm going to ask the court
20 reporter to read it back to you and tell
21 me what you don't understand about the
22 question.

23 MR. TABAS: That was Judge
24 Reed's chambers. He is in an all-day

1 mediation, has been since 11 o'clock.
2 If he gets a break, he will call in on
3 one of these two phones; if not, we will
4 have to deal with it after today.

5 (The court reporter read the
6 record as follows:

7 "QUESTION: Were you ever
8 present in any conversation in which
9 your husband described how one of his
10 companies lost substantial amounts of
11 money in advancing funds to a company
12 owned by the Chawlas?")

13 MS. BASKIN: And my
14 objection is going to be limited to if
15 those conversations occurred between
16 only you and your husband. If there
17 were third parties there, you can
18 answer.

19 BY MR. HERMANN:

20 Q. Or if the conversation took
21 place entirely apart from your husband.

22 MR. HERMANN: I wasn't just
23 restricting my question to conversations
24 with her husband; it could have been

1 with anybody.

2 THE WITNESS: I don't know
3 of any.

4 BY MR. HERMANN:

5 Q. Did you ever talk to Ravi
6 Chawla about one of his companies owing
7 millions of dollars to one of your
8 husband's businesses as a result of the
9 American Merchandising deals?

10 MS. BASKIN: I object and
11 instruct the witness not to answer
12 unless it relates to one of these four
13 defendants.

14 BY MR. HERMANN:

15 Q. Did you ever talk to any of
16 the Chawlas about the efforts by First
17 International Bank to collect on the
18 default judgement they got?

19 MS. BASKIN: Object and
20 instruct the witness not to answer
21 unless it relates to one of these four
22 defendants.

23 BY MR. HERMANN:

24 Q. Are you -- you can answer.

1 Go ahead.

2 A. It doesn't relate to them.

3 THE COURT REPORTER: I'm
4 sorry?

5 THE WITNESS: It does not
6 relate to any of these four companies.

7 BY MR. HERMANN:

8 Q. Are you familiar with the
9 fact that there was a default judgment
10 that was entered into between -- excuse
11 me; that there was a default judgment
12 that was entered in litigation between
13 World Apparel and American Merchandising
14 in connection with the advancing of
15 funds for the purchase of goods
16 overseas?

17 A. Judgment between -- I'm
18 sorry. Is it World Apparel judgment?
19 American Merchandise? I don't
20 understand; I'm sorry.

21 Q. Do you know that there was
22 a litigation between American
23 Merchandising and World Apparel in
24 connection with the advancing of funds

1 to purchase goods to sell them overseas?

2 A. Yes, I heard about that.

3 Q. And did you hear that one
4 of the parties defaulted and a judgment
5 was entered against it?

6 A. Yes.

7 Q. And do you know that that
8 judgment was assigned to a bank?

9 A. I don't know of that.

10 Q. Do you know what the -- did
11 you ever hear of the First International
12 Bank of Hartford?

13 A. Yes.

14 Q. Do you know -- what do you
15 know about the First International Bank
16 of Hartford in connection with its
17 dealings with your family's businesses?

18 MS. BASKIN: I'm going to
19 object and instruct the witness not to
20 answer unless it is related to one of
21 these four defendants.

22 THE WITNESS: It is not
23 related.

24 BY MR. HERMANN:

1 Q. Did First International
2 Bank lend money to one of the four
3 defendants?

4 A. No.

5 Q. Did First International
6 Bank lend money to any business venture
7 in which your family, you and your
8 husband, were involved?

9 MS. BASKIN: Object and
10 instruct the witness not to answer.

11 BY MR. HERMANN:

12 Q. To your knowledge did your
13 husband assign the judgment in that
14 litigation between American
15 Merchandising and World Apparel to First
16 International Bank?

17 A. I don't know.

18 Q. This is the first you are
19 hearing of it?

20 A. Pardon?

21 Q. Is this the first you are
22 hearing of that?

23 A. About what?

24 Q. That the judgment was

1 assigned to the bank in Hartford.

2 A. I don't know of any
3 assignment. I don't remember.

4 Q. Well, you knew that there
5 was a default judgment entered you said.

6 A. Yes.

7 Q. And did you ever ask
8 yourself, by the way, how are we going
9 to go back and collect the 6.8 million
10 they owe us?

11 MS. BASKIN: Object and
12 instruct the witness not to answer
13 unless it is related to one of these
14 four defendants.

15 BY MR. HERMANN:

16 Q. Was any effort made at all
17 to collect on that \$6.8 million
18 judgment?

19 MS. BASKIN: Object and
20 instruct the witness not to answer
21 unless it is related to one of these
22 four defendants.

23 BY MR. HERMANN:

24 Q. Were there other aspects of

1 the Bagga family business that prevented
2 it from getting around to trying to
3 collect on the \$6.8 million judgment?

4 MS. BASKIN: Object and
5 instruct the witness to not answer
6 unless it relates to one of these four
7 businesses.

8 THE WITNESS: It's not
9 related.

10 BY MR. HERMANN:

11 Q. Did you ever ask --
12 withdrawn.

13 Did you ever have a
14 conversation with your husband in the
15 presence of anybody else in which he
16 discussed why you didn't collect on the
17 \$6.8 million judgment against a
18 prominent real estate developer in
19 Philadelphia?

20 MS. BASKIN: Object and
21 instruct the witness not to answer
22 unless it relates to one of these four
23 defendants.

24 BY MR. HERMANN:

1 Q. In your conversations with
2 Mr. Ravi Chawla, did you ever ask him
3 whether he was going to get around to
4 paying the \$6.8 million judgment to your
5 family?

6 MS. BASKIN: Object and
7 instruct the witness not to answer
8 unless it relates to one of these four
9 defendants.

10 BY MR. HERMANN:

11 Q. Did you ever talk to
12 anybody from First International Bank?

13 MS. BASKIN: About anything?

14 BY MR. HERMANN:

15 Q. About loans to Bagga family
16 businesses.

17 MS. BASKIN: And how are you
18 defining "Bagga family businesses" now?

19 MR. HERMANN: These four
20 entities or any others.

21 MS. BASKIN: Well, you can
22 answer related to these four entities.

23 THE WITNESS: No, I didn't
24 talk to anybody regarding these four

1 entities .

2 BY MR. HERMANN :

3 Q. When was the last time you
4 spoke to Ravi Chawla?

5 A. Yesterday .

6 Q. In any of your discussions
7 with him has the subject of this
8 judgment ever come up?

9 MS. BASKIN: Object and
10 instruct the witness not to answer
11 unless it relates to one of these four
12 entities .

13 BY MR. HERMANN :

14 Q. Did Mr. Chawla ever advise
15 you or ever advise your husband in your
16 presence that a scheme to enter into a
17 default judgment would be one good way
18 to get rid of the lender who had lent so
19 much money to your family?

20 MS. BASKIN: Object and
21 instruct the witness not to answer
22 unless it relates to one of these four
23 defendants .

24 MR. HERMANN: We will let

1 her decide whether that does.

2 MS. BASKIN: While she is
3 thinking about it, could you read that
4 back again?

5 And I also object to the
6 form.

7 (The court reporter read the
8 record as follows:

9 "QUESTION: Did Mr. Chawla
10 ever advise you or ever advise your
11 husband in your presence that a scheme
12 to enter into a default judgment would
13 be one good way to get rid of the lender
14 who had lent so much money to your
15 family?")

16 MS. BASKIN: I object based
17 on form, but you know that; it's
18 leading.

19 And, also, you are
20 instructed not to answer unless it
21 relates to one of these four defendants.

22 THE WITNESS: It's not
23 related to this.

24 BY MR. HERMANN:

1 Q. Since the time of that
2 default judgment have you and your
3 husband socialized with Ravi Chawla and
4 his family?

5 MS. BASKIN: Object and
6 instruct the witness not to answer
7 unless it is related to these four
8 defendants.

9 BY MR. HERMANN:

10 Q. Who is Kushal Pal?

11 A. What?

12 Q. Kushal, K-U-S-H-A-L, first
13 name; P-A-L, second name.

14 A. I don't know.

15 Q. If I suggest to you that he
16 owns five Arby's franchises in
17 Pennsylvania, does that ring a bell to
18 you?

19 A. No. Well, how do you spell
20 it again?

21 Q. P-A-L. Maybe I have the
22 spelling wrong.

23 A. What's the first name?

24 Q. Kushal.

1 A. I don't know.

2 Q. Who is David Bhasin,
3 B-H-A-S-I-N?

4 A. He is -- he owns Arby's
5 franchises in Allentown area and he was
6 Paul's partner in the early '90s.

7 Q. In the early 1990s?

8 A. Yes.

9 Q. And what were they partners
10 in?

11 A. Arby's.

12 Q. The ones in the Allentown
13 area?

14 A. Yes.

15 Q. Any other ones?

16 A. I don't know. I think it
17 was one in the Allentown area.

18 Q. Were they actually
19 partners?

20 A. Yes.

21 Q. Did they have a business
22 called D&P Enterprises?

23 A. I don't remember the names.

24 Q. Did you ever hear of an

1 entity called DP&G Enterprises for
2 David, Paul, and Gopal?

3 A. Yes.

4 Q. Who was the Gopal?

5 A. He is a doctor in
6 Allentown.

7 Q. And is that T. A. Gopal?

8 A. Yes.

9 Q. Was he an investor in
10 Arby's franchises?

11 A. I don't know if he was an
12 investor in Arby's. I thought that was
13 one of the -- they own some real estate
14 building.

15 Q. What building was that?

16 A. I don't know. I think it
17 was something in Allentown.

18 Q. Do they still own it?

19 A. No.

20 Q. Did your husband, Paul,
21 have a parting of the ways with David
22 Bhasin?

23 A. Yes.

24 Q. And apart from what your

1 husband told you separately about it, do
2 you have any idea what the nature of
3 that dispute was?

4 MS. BASKIN: I'm going to
5 object and instruct the witness not to
6 answer unless it is related to one of
7 these four defendants.

8 THE WITNESS: It's not
9 related.

10 BY MR. HERMANN:

11 Q. Were you ever present at
12 any conversation between David Bhasin
13 and your husband concerning their Arby's
14 business dealings?

15 A. They were partners, so
16 they --

17 MS. BASKIN: The question
18 was were you ever present.

19 THE WITNESS: Present in
20 business dealings or -- I mean I was
21 there sometimes because they were
22 partners, they were together in the sale
23 office, but besides that --

24 BY MR. HERMANN:

1 Q. When you were there, did
2 you ever learn what the causes of
3 dispute, if there were any, were between
4 them?

5 MS. BASKIN: Object and
6 instruct the witness not to answer
7 unless it is related to one of these
8 four defendants.

9 THE WITNESS: It's not
10 related.

11 BY MR. HERMANN:

12 Q. Did any of the four
13 entities that we have been talking about
14 ever have a dispute over money with
15 Mr. Bhasin?

16 A. I don't know of any.

17 Q. Does your family know
18 Mr. Bhasin's family in India?

19 A. No.

20 Q. Did you ever hear of an
21 entity called B Cubed, International?

22 A. Yes. I think it was one of
23 the companies when David Bhasin was
24 there for Arby's or something.

1 Q. Do you know what it did?

2 A. I don't know.

3 Q. Did you ever do any work
4 for it?

5 A. Huh?

6 Q. Did you ever do any work
7 for it?

8 A. I don't know. It was just
9 the name B Cubed. It was a long time
10 ago. I don't remember.

11 Q. Did any of what your
12 attorney refers to as the four entities
13 do any work for B Cubed International?

14 A. No.

15 Q. How about Concept Food
16 Gallery Nine; do you know what that was?

17 A. Food -- I think it used to
18 be one of the Arby's in Gallery,
19 probably that was the company for that,
20 but they closed.

21 Q. It's a name of a company
22 you heard before?

23 A. I don't know. It's just
24 Gallery I'm thinking, Concept Gallery.

1 I know there used to be an Arby's in
2 Gallery a long time ago. But I don't
3 think it was related to this because it
4 was before these companies. I'm not
5 sure, but I think. It was a long time
6 ago.

7 Q. How about a company called
8 Resource Utilization, Incorporated?

9 A. That was the management
10 company, I think, before United, so....

11 Q. It managed the accounts for
12 the Arby's properties before United?

13 A. Yes.

14 Q. When did that changeover
15 occur?

16 A. When United took over.

17 Q. Did you ever work for
18 Resource Utilization?

19 A. I don't remember if I
20 worked for Resource, but I worked for
21 the management company, so I think I
22 worked for United.

23 Q. Did you ever get a paycheck
24 that said it was from Resource

1 Utilization, Inc.?

2 A. I don't remember.

3 Q. How long ago did Resource
4 Utilization go out of business?

5 A. It has to be six, seven,
6 eight years ago. A long time.

7 Q. When you did work for them,
8 what kind of work were you doing?

9 A. I don't remember if I
10 worked for them.

11 MS. BASKIN: I don't know
12 that she testified she did work for
13 them. She didn't recall.

14 BY MR. HERMANN:

15 Q. I'm sorry. Did you do any
16 work for them?

17 A. I don't think so. I don't
18 remember, no.

19 Q. Do you know what the
20 Export/Import Loan Bank is?

21 A. It's a bank.

22 Q. Do you know anything else
23 about it?

24 A. No.

1 Q. Do you know what it does?

2 A. It gives loans.

3 Q. Have you, yourself, ever
4 been involved in any discussions about
5 Export/Import Loan Bank financing for
6 any Bagga family venture?

7 MS. BASKIN: Object to the
8 extent it does not relate to one of
9 these four.

10 THE WITNESS: It doesn't
11 relate to them.

12 BY MR. HERMANN:

13 Q. Did you ever review or sign
14 any documents that were loan documents
15 in connection with any borrowing from
16 the Export/Import Bank either directly
17 or through the First National Bank of
18 New England in Hartford?

19 MS. BASKIN: Object unless
20 it relates to one of these four
21 defendants.

22 BY MR. HERMANN:

23 Q. Do you have an answer?

24 A. No.

1 Q. Are you aware that FL
2 Receivable Trust 2002-A has money
3 judgments against some of the four
4 entities, as your counsel refers to
5 them?

6 A. Yes.

7 Q. Do you know what the amount
8 of those judgments is in total?

9 A. No.

10 Q. Do you know whether it is
11 more than a million dollars?

12 A. I don't know.

13 Q. Have you ever tried to find
14 out what the amount of those judgments
15 is?

16 A. No.

17 Q. Are you not concerned about
18 the size of those judgments?

19 A. I'm concerned, but I don't
20 know what the extent of this thing is.
21 I don't know.

22 MR. HERMANN: Can you read
23 me back the answer, please?

24 (The court reporter read the

1 record as follows:

2 "ANSWER: I'm concerned, but
3 I don't know what the extent of this
4 thing is. I don't know.")

5 BY MR. HERMANN:

6 Q. Have you taken any action
7 in connection with satisfying those
8 judgments?

9 A. I don't understand what
10 action.

11 Q. Have you done anything in
12 an attempt to have those judgments
13 satisfied or an attempt to have those
14 judgments not satisfied?

15 MS. BASKIN: Do you
16 understand?

17 THE WITNESS: They are not
18 my judgments. I don't know.

19 BY MR. HERMANN:

20 Q. So is your answer that you
21 haven't taken any steps in connection
22 with satisfying or not satisfying those
23 judgments?

24 A. I don't know much about

1 it. I don't know what to do about it.

2 Q. Have you asked anybody
3 other than your husband what to do about
4 those judgments?

5 A. No.

6 Q. Do you know what assets
7 Jamuna has today?

8 A. I don't know the details,
9 but I think it has some real estate that
10 has Arby's Restaurants.

11 Q. Do you know any more
12 specifics than that?

13 A. No.

14 Q. Do you know which
15 restaurants it has?

16 A. No.

17 Q. Have you discussed with
18 anybody in the past year the sale of any
19 assets owned by you or your husband or
20 any business ventures in which you may
21 have an interest or he may have an
22 interest in order to satisfy the
23 outstanding judgments?

24 A. Paul is doing that. I

1 don't know anything about that.

2 Q. You are not doing anything
3 about that; is that correct?

4 A. I don't know much about the
5 Arby's operations, so I can't really do
6 much. I can't sell something I don't
7 own.

8 Q. Have you discussed with
9 anybody the possibility of your signing
10 any kind of legal document, such as a
11 guarantee, in connection with satisfying
12 those judgments?

13 A. No.

14 MR. HERMANN: Can we take a
15 break?

16 THE VIDEOTAPE SPECIALIST:
17 Off tape 3:13.

18 (Recess.)

19 THE VIDEOTAPE SPECIALIST:
20 We're back on the record. The time is
21 3:27.

22 BY MR. HERMANN:

23 Q. Mrs. Bagga, did any of the
24 four entities involved in this

1 litigation make any loans to American
2 Merchandising Company?

3 A. I don't know.

4 Q. If they had made such
5 loans, would you know?

6 A. Yes, I would know. I don't
7 think there was anything. I don't
8 remember anything.

9 Q. Were all lending and
10 borrowing transactions, as far as you
11 were aware, simultaneously reflected on
12 the books and records of the four
13 entities? In other words, if it
14 borrowed or lent money, would that, as a
15 matter of course, be reflected on its
16 books and records?

17 A. Yes.

18 MR. HERMANN: I would like
19 to get this document marked as
20 Exhibit 1.

21 (Above-described document
22 marked as K. Bagga Exhibit 1.)

23 BY MR. HERMANN:

24 Q. Mrs. Bagga, I'm showing you

1 a document that has been marked for
2 identification as Exhibit No. 1 and ask
3 you to take a look at it and tell me if
4 that looks familiar to you.

5 A. Yes.

6 Q. What is it?

7 A. It's a deposit slip into
8 United Management.

9 Q. That's on the first page.
10 What about the second page?

11 A. That's also a deposit slip
12 into United Management.

13 Q. On the first page of the
14 exhibit there is a deposit of \$30,000 in
15 cash dated December 4, 2002; is that
16 correct?

17 A. Yes.

18 Q. Now, did you make that
19 deposit?

20 A. I don't remember.

21 Q. Do you know what that
22 \$30,000 in cash was for?

23 A. No.

24 Q. Do you know where it came

1 from?

2 A. No.

3 Q. Did you happen to notice in
4 December of 2002 a \$30,000 deposit into
5 that account?

6 A. No.

7 Q. Is that something that
8 happened with regularity, that large
9 sums of cash like that would be
10 deposited in the account?

11 A. Not frequently. But I
12 don't know where that deposit was made
13 from.

14 Q. Take a look at the second
15 page. Does that reflect a \$40,000 cash
16 deposit?

17 A. It's not a cash deposit.

18 Q. What was it? Doesn't it
19 say there "Currency \$40,000"?

20 A. Yes. But I think this is
21 one of the loans made to United by me.
22 This was money taken, 40,000. I think I
23 made a loan to United.

24 Q. And you made that loan in

1 the form of cash?

2 A. No. I think it was
3 transferred from -- I think it's loan
4 from my account, I made a loan to
5 United.

6 Q. What day was that? Is that
7 the same date, December 4, 2002?

8 A. Yes, because I had an
9 account at Commerce Bank so -- and I
10 think they were short of funds in
11 United.

12 Q. Are you the person that
13 filled out that deposit ticket?

14 A. Yes. It's my handwriting.

15 Q. Is it your testimony that
16 that 40,000 should have said 40,000
17 check instead of 40,000 currency?

18 A. No, I didn't say that.

19 Q. So how did you effect that
20 transaction? Did you actually withdraw
21 \$40,000 from one account and put it in
22 another in the form of currency?

23 A. No.

24 Q. Well, how did you do it?

1 A. If you have two accounts in
2 the same bank and you transfer money
3 from one account to the other, it is
4 within the same bank, they transfer it
5 as cash.

6 Q. And this was done on the
7 Commerce Bank in Cherry Hill, New
8 Jersey?

9 A. No. This was done at the
10 Flourtown branch.

11 Q. Do you have any explanation
12 for why the reverse side of those
13 tickets shows Cherry Hill, New Jersey?
14 Is that a clearing office for the bank?

15 A. I have no idea what
16 that....

17 Q. Now, when you made -- and
18 it is your testimony that this \$40,000
19 was a loan to United Management?

20 A. Yes.

21 Q. Was that reflected on the
22 books of United Management as a loan?

23 A. Yes.

24 Q. Has that loan been repaid?

1 A. No.

2 MR. HERMANN: Let me have
3 this marked, please, as K. Bagga 2 for
4 identification.

5 (Below-described document
6 marked as K. Bagga Exhibit 2.)

7 BY MR. HERMANN:

8 Q. I'm showing you a document
9 that has been marked as Exhibit 2 for
10 identification and ask if you recognize
11 that document or documents.

12 A. Yes.

13 MS. BASKIN: Yes.

14 BY MR. HERMANN:

15 Q. What is shown on Exhibit 2?

16 A. This is a deposit ticket
17 into United Management and the checks
18 from Bagga, from Poojan, from Welcome
19 stores, all different stores, into
20 United Management Company.

21 Q. Is that your stamped
22 signature on each of these checks?

23 A. Yes.

24 Q. And you wrote checks on

1 Bagga Enterprises; Poojan, Inc.; CJA
2 Enterprises; Welcome Group; and Welcome
3 Group d/b/a Arby's during that time; is
4 that correct?

5 A. Yes.

6 Oh, that's not mine.

7 Q. At the time --

8 A. Excuse me. CJA, this is
9 not my signature.

10 Q. Oh. I'm sorry. Whose
11 signature is that?

12 A. I don't know.

13 Q. When did you become
14 employed by Bagga Enterprises?

15 A. I was employed -- I get my
16 -- I used to work for all the
17 companies. I used to get my check from
18 United Management. And after this
19 Welcome litigation, they separated the
20 overhead. So my payroll comes from
21 Bagga Enterprises because United is not
22 dead anymore.

23 Q. So at the time that you
24 were writing -- December of 2002 that

1 were you writing checks on Bagga
2 Enterprises, you weren't actually an
3 employee there?

4 A. I was an employee of
5 United.

6 Q. And were you an officer in
7 any way of Bagga Enterprises signing
8 checks for them?

9 A. No, I don't think so. I
10 was -- I think I was just in charge of
11 the check-writing.

12 MR. HERMANN: Please have
13 that marked as Exhibit 3.

14 (Below-described document
15 marked as K. Bagga Exhibit 3.)

16 MS. BASKIN: She is ready on
17 this.

18 BY MR. HERMANN:

19 Q. Bringing you back for a
20 moment to Exhibit 2, do you see that
21 first check, No. 5665, in the amount of
22 \$30,000 to United Management?

23 A. Yes.

24 Q. Is that -- am I reading

1 that correctly as United Management
2 30,000?

3 A. Yes.

4 Q. Do you know what that
5 payment was for, that \$30,000?

6 A. We used to just transfer
7 all the monies into United to pay the
8 bills out of United. It is not a
9 payment. All the money had to be
10 consolidated into United to pay the
11 bills for all the units.

12 Q. And directing your
13 attention to Exhibit No. 3, do you
14 recognize that document, which is
15 photocopies of five checks?

16 A. Yes.

17 Q. Now, on the third check
18 there, No. 1250, dated December 16,
19 2002, it is a \$13,500 check made out to
20 you?

21 A. Yes.

22 Q. And whose signature is
23 that?

24 A. Mine.

1 Q. And that's not a stamped
2 signature, that is your handwriting; is
3 that right?

4 A. Yes.

5 Q. And what was that check
6 for?

7 A. It's probably an accounting
8 adjustment for the money that was given
9 in earlier, to return it.

10 THE COURT REPORTER: I'm
11 sorry. "The money that was given"?

12 THE WITNESS: Earlier.

13 MS. BASKIN: To return it.

14 THE WITNESS: To return the
15 loan.

16 BY MR. HERMANN:

17 Q. I understood your testimony
18 to be that the money had not been
19 repaid.

20 A. All of it has not been. I
21 guess this was a part of it.

22 Q. So --

23 A. I put the 40,000; you see
24 that deposit.

1 Q. And when you say you guess
2 that it was that, do you recall or do
3 you not recall?

4 A. I think it was a part of
5 the accounting adjustment with the money
6 that was going in.

7 Q. But when you say an
8 "accounting adjustment," do you mean a
9 repayment of the loan?

10 A. Yes.

11 Q. So this was a repayment of
12 the loans that you had made in part on
13 December 4?

14 A. Or before.

15 Q. Or before.

16 A. Yes.

17 Q. And was there an entry made
18 on the books of United Management
19 Services indicating a \$13,500 partial
20 loan repayment on that date?

21 A. Yes, there should be.

22 Q. Do you know whether there
23 was?

24 A. I have not checked it, but

1 I'm sure there is. If they wrote a
2 check, they have to make an entry.

3 Q. Well, you wrote the check,
4 didn't you?

5 A. I signed the check.

6 Q. Did you tell anybody to
7 make an entry for repayment of the loan?

8 A. Yes. I'm sure there is an
9 entry. There has to be an entry. The
10 computer, you have to make an entry.
11 You can't just write a \$13,000 check and
12 not put an entry what it's for.

13 Q. Well, you can put it as an
14 expense item or you can put it as a
15 capital item. A repayment of loan
16 wouldn't be an expense item, would it?

17 A. No. I'm sure the
18 accountants will catch it. It has to be
19 a payment of the loan, I'm sure.

20 Q. Did you tell anybody to
21 write it down as a repayment of a loan?

22 A. Yes, I'm pretty sure
23 repayment, entered as a repayment.

24 Q. And why are you sure of

1 that?

2 A. Because I put the money in,
3 so I'm sure I took some of it back,
4 because there was a lot of money put in
5 besides this 40,000 --

6 MS. BASKIN: The question is
7 whether you recall if you told anyone.

8 THE WITNESS: Yes.

9 BY MR. HERMANN:

10 Q. Who did you tell?

11 A. Whoever wrote the check.

12 Q. I thought you wrote the
13 check.

14 A. I signed the check.

15 Q. Do you know from the
16 handwriting who actually wrote out the
17 check?

18 A. No.

19 Q. It's not familiar
20 handwriting to you?

21 A. No. I don't know who wrote
22 that check.

23 Q. Do you see the check below
24 the small check from your husband? Does

1 that look like the same handwriting to
2 you?

3 A. Yes.

4 Q. Is that in fact the
5 handwriting of Paul Bagga?

6 A. No.

7 Q. That is his signature on
8 the bottom?

9 A. Yes, his signature.

10 Q. Now, the check below that,
11 No. 1252, is a \$4,300 check made out by
12 Paul Bagga to himself, and the memo says
13 it is for sales tax.

14 A. For Poojan.

15 Q. For Poojan.

16 A. Yes.

17 Q. Do you know why Paul Bagga
18 was writing a check to himself for sales
19 tax?

20 A. Because you have to send a
21 cashier's check to them. So you have to
22 take the cash out, get a cashier's check
23 made. And to get a cashier's check made
24 you have to -- somebody has to get the

1 cash out.

2 Q. Now, do you see Check 1249
3 on the top there dated December 16, '02,
4 signed by your husband for \$3,000 --

5 A. Yes.

6 Q. -- made out to Knopf
7 Automotive?

8 A. Yes.

9 Q. Can you read what the memo
10 says on it, whether it's downpayment --

11 A. Downpayment car for Gene.

12 Q. And who is that?

13 A. Gene Pittack.

14 Q. Is that to buy a new car
15 for Gene in December of 2002?

16 A. Yes, I think so.

17 Q. Did the company buy him a
18 car?

19 A. Yes.

20 Q. Was that part of his
21 compensation?

22 A. Yes.

23 Q. Do you know how old his old
24 car was?

1 A. Pardon?

2 Q. Do you know how old his old
3 car was?

4 A. No.

5 Q. Were you aware that -- do
6 you know why that check was signed by
7 Paul Bagga himself rather than by
8 somebody else?

9 A. It's probably because I was
10 not there, so he probably signed it.

11 Q. Did you have any
12 discussions with anybody concerning
13 whether to make monthly installment
14 payments on the loans that the four
15 companies had from FL Receivable Trust
16 2002-A?

17 A. Can you repeat that?
18 Sorry.

19 (The court reporter read the
20 record as follows:

21 "QUESTION: Did you have any
22 discussions with anybody concerning
23 whether to make monthly installment
24 payments on the loans that the four

1 companies had from FL Receivable Trust
2 2002-A?")

3 BY MR. HERMANN:

4 Q. Just to clarify, at that
5 time it would have been to Captec, that
6 are now FL Receivable Trust.

7 A. Oh, okay. No.

8 Q. Are you the --

9 A. I don't remember, no.

10 Q. Are you the person who
11 decided each month not to make loan
12 payments?

13 A. No.

14 Q. Who made that decision?

15 A. Paul.

16 Q. Did you talk to him about
17 it?

18 A. No. He -- the discussion
19 was --

20 MS. BASKIN: The question
21 was did you talk to him about it. Yes
22 or no.

23 THE WITNESS: No, I did not
24 talk to him, no.

1 BY MR. HERMANN :

2 Q. Were you aware while loan
3 payments were not being made that in
4 fact they were not being made?

5 A. Because the stores were not
6 doing enough sales, they couldn't afford
7 to make --

8 THE COURT REPORTER:

9 "Because the stores were not doing
10 enough sales"?

11 THE WITNESS: To make the
12 payments, yes, to Captec. I don't know
13 the whole extent of the conversation
14 why.

15 MS. BASKIN: I'm sorry; I
16 was distracted by -- could you repeat
17 the question?

18 (The court reporter read
19 the record as follows:

20 "QUESTION: Were you aware
21 while loan payments were not being made,
22 that in fact they were not being
23 made?")

24 BY MR. HERMANN :

1 Q. Who would have been the
2 person to make the decision, for
3 example, to buy a new car for Gene
4 rather than to make loan payments?

5 A. Paul.

6 Q. And is it your testimony
7 that you never discussed that subject
8 with him of whether to make loan
9 payments?

10 A. Yes.

11 Q. Did he tell you --
12 withdrawn.

13 At what point did you first
14 learn from Paul Bagga that loan payments
15 to Captec were not being made?

16 A. I don't know when they stop
17 making the payments. Sometime in 2002?
18 I'm not sure when.

19 Q. Who told you that loan
20 payments were no longer being made?

21 A. Paul.

22 Q. When he told you that, did
23 he explain to you why?

24 MS. BASKIN: It's a yes or

1 no .

2 THE WITNESS: No .

3 BY MR. HERMANN:

4 Q. Did you ask him why?

5 A. No .

6 MS. BASKIN: I don't mean to
7 cut you off in midsentence, but I would
8 like to wrap this up at 4:00 .

9 MR. HERMANN: You are going
10 to terminate the examination at 4:00?

11 MS. BASKIN: Around 4:00 to
12 see where you are, for you to let me
13 know how much more you have .

14 MR. HERMANN: I'm sorry; can
15 we have the last question and answer?

16 (The court reporter read the
17 record as follows:

18 "QUESTION: Did you ask him
19 why?

20 "ANSWER: No .")

21 BY MR. HERMANN:

22 Q. Who made the decision to
23 repay \$13,500 on your loan on December
24 16, 2002, rather than to pay FL

1 Receivable Trust or Captec?

2 A. Because I put that money in

3 --

4 MS. BASKIN: No. The
5 question was who made the decision.

6 MR. HERMANN: Correct.

7 THE WITNESS: I did.

8 BY MR. HERMANN:

9 Q. Did you ask Paul Bagga
10 about it before you did it?

11 A. No.

12 Q. And why did you do that?

13 A. Because I had put the money
14 in. He was not there when I put the
15 money in. I only put it in because some
16 bills had to be paid on default. And I
17 just put it in for two weeks. And I
18 could not take all of that out; I could
19 only take 13,000 out.

20 Q. Were you aware when you
21 made that \$13,500 check to yourself that
22 Captec might have prior claims on those
23 monies?

24 A. No. I would not have

1 deposited the 40,000 in if I knew that.

2 Q. When you deposited the
3 40,000 or other loans that you made, did
4 you ever have a discussion with Paul
5 Bagga about how your loan might be
6 treated in relation to the loans that
7 Captec had made; that is to say, which
8 would come first in terms of repayment?

9 A. I told him I was doing a
10 favor to the company --

11 MS. BASKIN: The answer is
12 yes or no.

13 THE WITNESS: What was the
14 question again? I'm sorry.

15 MS. BASKIN: Could you
16 repeat the question.

17 THE WITNESS: Can you
18 repeat?

19 (The court reporter read the
20 record as follows:

21 "QUESTION: When you
22 deposited the 40,000 or other loans that
23 you made, did you ever have a discussion
24 with Paul Bagga about how your loan

1 might be treated in relation to the
2 loans that Captec had made; that is to
3 say, which would come first in terms of
4 repayment?")

5 THE WITNESS: No.

6 BY MR. HERMANN:

7 Q. Did you give that any
8 thought before making the loans; that is
9 to say, maybe you couldn't be repaid
10 before the lender who was ahead of you
11 in time was repaid?

12 A. No.

13 Q. And is that because you
14 wrote the checks and you decided who got
15 paid and who didn't?

16 A. I just thought they needed
17 the money that day, so I deposited
18 thinking that I would be able to take it
19 out next week. And I could not take
20 that money out the next week or the week
21 after. I only took part of it out. I
22 deposited monies before that, too; I
23 could not take it out.

24 Q. When you took out the

1 money, the \$13,500 that we discussed
2 before, when did you tell your husband
3 that you had done it?

4 A. I did not tell him. I told
5 him I could not take all the money out.

6 Q. Did he know at the time
7 that you had taken some of the money out
8 based on what you had told him?

9 A. I did not tell him the
10 amounts. I was going away to India and
11 I told him I was upset, because I said,
12 "There is no money." I just put the
13 money -- I thought I would be able to
14 take it out; I could not take it out. I
15 could only get this much out.

16 And then he said, "You can
17 take it out later on." And then we had
18 this litigation thing. And after that
19 everything was seized; I could not take
20 anything back then. If I knew that, I
21 would have never put the money in to
22 begin with.

23 Q. Do I understand your
24 testimony to be that you were upset that

1 you couldn't take it all out later on in
2 December, all of the money you had lent
3 earlier in December?

4 A. Yes.

5 Q. And did your husband say
6 anything that you understood to be an
7 attempt to discourage you from taking
8 out anything?

9 MS. BASKIN: Objection.
10 That's a roundabout way for the spousal
11 privilege. I will instruct you not to
12 answer.

13 MR. HERMANN: I don't
14 believe there is any spousal privilege
15 in a circumstance when they are in
16 business together; but we can have that
17 out.

18 MS. BASKIN: They are not in
19 business together.

20 MR. HERMANN: This wasn't a
21 gift to the business?

22 MS. BASKIN: This was not a
23 gift to the business. She testified it
24 was a loan. It's not a gift.

1 MR. HERMANN: That is
2 exactly right.

3 MS. BASKIN: That is exactly
4 right. It was not a gift. There is no
5 testimony on the record to indicate it
6 was a gift.

7 BY MR. HERMANN:

8 Q. It was a loan, wasn't it?

9 A. Yes. I made the loan --

10 MS. BASKIN: Correct. And
11 there's -- excuse me. And there is a
12 difference between a loan and a gift, so
13 please do not put words in her mouth
14 that she is giving gifts to this
15 company.

16 MR. HERMANN: I don't think
17 I suggested it was a gift.

18 MS. BASKIN: You've said it
19 -- you used the word "gift."

20 MR. HERMANN: I said it
21 wasn't a gift.

22 MS. BASKIN: Go on.

23 BY MR. HERMANN:

24 Q. Did Mr. Bagga, Paul Bagga,

1 ever say to you at any time after you
2 made the \$13,500 withdrawal or check to
3 yourself that you couldn't take out any
4 more of that money that you had lent?

5 THE WITNESS: Can you repeat
6 that? I'm sorry.

7 BY MR. HERMANN:

8 Q. Let me rephrase it. After
9 the \$13,500 check was written to you,
10 did Paul Bagga ever tell you that you
11 couldn't take out any more of the money
12 that you had lent to the company in that
13 \$40,000 transaction on December 4?

14 A. I didn't talk to him about
15 it. I wasn't here after that.

16 Q. Have you made any attempts
17 since that \$13,500 check was written to
18 obtain repayment of any of the balance
19 of your loan?

20 A. No, I don't think so.

21 Q. When you say you don't
22 think so, you are not certain?

23 A. I know there is a lot of
24 money still owed to me so -- and then I

1 was told after the filing that I could
2 not take anything out, so I haven't
3 taken anything out.

4 Q. After the filing, you mean
5 the bankruptcy filing?

6 A. Yes, yes.

7 Q. Did you do anything between
8 December 16 of 2002 and the time of the
9 bankruptcy filing for Welcome to attempt
10 to get repayment of the loan?

11 A. I don't remember.

12 Q. How much in total is owed
13 to you by the four companies?

14 A. A lot.

15 Q. Do you have a record
16 someplace?

17 A. Some of it is on the tax
18 returns.

19 Q. Some of it -- is some of it
20 not on the tax returns?

21 A. Well, we don't have last
22 year's tax returns yet, so....

23 Q. You haven't submitted it?
24 You mean it is on extension?

1 A. Yes.

2 Q. And up until the time of
3 this year's tax return is filed, do you
4 know what the total loan indebtedness is
5 to you?

6 A. No, I don't remember what
7 the total is.

8 MR. HERMANN: Well, it is 4
9 o'clock. What do you want to do?

10 MR. TABAS: The judge is
11 back in his chambers.

12 THE COURT REPORTER: Do you
13 want to go off the record with this
14 discussion?

15 MR. HERMANN: Please.

16 THE VIDEOTAPE SPECIALIST:
17 Off tape 3:59.

18 (Recess.)

19 THE VIDEOTAPE SPECIALIST:
20 We're back on the record. The time is
21 4:13.

22 BY MR. HERMANN:

23 Q. Mrs. Bagga, do you know
24 what 1878 Exeter Corp. is?

1 A. Yes.

2 Q. What is that?

3 A. It's a company that did all
4 the payroll for all the different
5 stores.

6 Q. And was 1878 Exeter Corp. a
7 subsidiary of one of the other
8 companies, such as United Management?

9 A. It is like a sister company
10 of United. Because we have so many
11 employees, there is over 300 employees,
12 in different units and it was just a
13 problem for -- to manage out of the same
14 account all the paychecks coming out and
15 just reconcile it, so we just decided to
16 have a separate accountant for payroll.

17 Q. And who made that decision?

18 A. Paul.

19 Q. Is he the sole owner of
20 that company?

21 A. Yes, I think so.

22 Q. Have you ever received any
23 compensation from 1878 Corp.?

24 A. I don't remember getting

1 anything from 1878.

2 Q. Did you ever hear of a
3 company called 21st Century Restaurant
4 Solutions, Inc.?

5 A. Yes.

6 Q. What is that?

7 A. I think that's because
8 United Management is closed, so
9 that's -- that was supposed to replace
10 United Management. That's what I
11 understand. I'm not sure. It was
12 supposed to replace it, but then because
13 of the bankruptcy filing, Welcome had to
14 be treated separately. We could not
15 bring Welcome payroll or the expenses
16 into United, so that's separately. So
17 both are being treated separately. So I
18 don't know if they are going to use 21st
19 Century or how they are going to treat
20 it.

21 Q. When you say "they," who
22 are the "they" you are referring to?

23 A. I mean Paul --

24 Q. Paul.

1 A. -- the company.

2 Q. Who sets up all these
3 corporations? Is that done by a lawyer
4 or is that done by Mr. Bagga?

5 A. I don't know how it's he
6 did that.

7 Q. As far as you know, is 21st
8 Restaurant Solutions, Inc., an operating
9 company at the moment?

10 A. Yes, I think it's --

11 Q. What does it do?

12 A. It does -- doing part of
13 what United was doing, like the rent
14 gets paid, the office expenses have to
15 be paid out of -- it gets paid out of
16 21st Century --

17 Q. For all of the various
18 Arby's units, it receives funds from
19 them and makes --

20 A. No, no.

21 Q. No.

22 A. We cannot mix the Welcome
23 now because of the bankruptcy. So Bagga
24 is -- the expenses are being paid out of

1 Bagga from the PNC Bank.

2 21st Century is a
3 replacement for United Management, but
4 it's not doing all the work because
5 Welcome is doing its own and Bagga is
6 doing -- paying its own expenses. So
7 it's just paying the expenses for the
8 office and the overheads or whatever it
9 is.

10 Q. Other than the Arby's that
11 are owned by Welcome, are there any
12 other Arby's open?

13 A. The ones that are owned by
14 Bagga Enterprises.

15 Q. Which are which ones?

16 A. The ones that are not owned
17 by Welcome --

18 Q. Yes.

19 A. -- they are all owned by
20 Bagga. The five of them that are owned
21 by Welcome. The rest are all owned by
22 Bagga except for Poojan.

23 MS. BASKIN: The same ones
24 she testified to about five hours ago.

1 BY MR. HERMANN:

2 Q. The ones you testified to
3 before --

4 A. Yes.

5 Q. -- that I asked you one by
6 one?

7 A. Yes.

8 MR. HERMANN: Well, in the
9 last break -- I just want to put this on
10 the record -- we contacted Judge Reed
11 with regard to the objections and
12 directions not to answer, and we have
13 agreed that we will make a formal
14 submission to the judge in order to
15 obtain a ruling on that. And if the
16 ruling is favorable to us, we will
17 probably have to re-call you as a
18 witness.

19 THE WITNESS: Okay.

20 MR. HERMANN: So we will
21 adjourn the deposition then pending that
22 ruling.

23 MS. BASKIN: Thank you.

24 THE WITNESS: Thank you.

1 THE VIDEOTAPE SPECIALIST:

2 That concludes today's videotape
3 deposition. The time is 4:18.

4 (Witness excused.)

5 (Whereupon the deposition
6 adjourned at 4:18 p.m.)

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ESQUIRE DEPOSITION SERVICES

C E R T I F I C A T E

I hereby certify that the proceedings and evidence noted are contained fully and accurately in the notes taken by me in the deposition of the above matter, and that this is a correct transcript of the same.

Ann V. Kaufman

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheets for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGEMENT OF DEPONENT

I, _____, do
hereby certify that I have read the
foregoing pages, _____ and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
errata sheet.

DATE

Subscribed and sworn to me this _____
day of _____, 2003.

My Commission expires:

Notary Public

ESQUIRE DEPOSITION SERVICES

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DEPOSIT TICKET
UNITED MANAGEMENT SERVICES
BURNHAM, PA 15201

DATE 12/4/02
LIST CHECKS ONLY OR ATTACH LIST

CHECKS
30000.00
BOLLAR
CENT

PLEASE ENTER TOTAL HERE
30000.00

0185.00 12/04/02 0010
DOM DEPOSIT
11+21
FLOURTOWN
364041046
300.000.00
30000.00

5021-0180 36 404104 6
0003000000

0205592900
R018 B19 P6

COMMERCE
BANK
12/04/2002

364041046
COMMERCIAL
BANK
CHEMUNY HILL, NJ
0312013604

12/04/2002

0312013604
COMMERCIAL
BANK
CHEMUNY HILL, NJ
0312013604

Account 364041046 Check# 0 Amount 30000.00
Date Presented 12-04-2002

CASH SUBSTITUTION

TELLER NUMBER
010

COMMERCIAL BANK/PENNSYLVANIA, N.A. AMOUNT
FLOURTOWN BRANCH

INITIALS
0185.00 12/04/02 0010
CASH IN
11+21
FLOURTOWN
364041046
300.000.00
30000.00

5236-0180 0052 010
0003000000

0205592900
R018 B19 P7

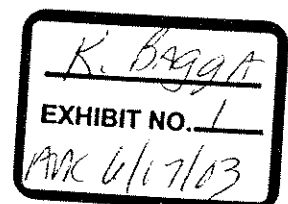
COMMERCE
BANK
12/04/2002

364041046
COMMERCIAL
BANK
CHEMUNY HILL, NJ
0312013604

12/04/2002

0312013604
COMMERCIAL
BANK
CHEMUNY HILL, NJ
0312013604

Account 52010 Check# 0 Amount 30000.00
Date Presented 12-04-2002



ACCT. NO. 364041016

DATE 12/4/02

NAME: United Management Co
PLEASE PRINT

02:46.00 12/04/02 0010
GOA DEPOSIT
13:13 FL

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CASH		
CHECKS		
LAST MONTH DEPOSIT		
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CASH SUBSTITUTION

COMMERCE BANK/PENNSYLVANIA, N.A. AMOUNT _____
FLOUERTOWN BRANCH

INITIALS	0246.00	12/04/02	0010	36-0410464
	CASH IN			\$40,000.00
	1313		FLORETOWN	

152360180: 0052 010 * *0004000000*

Account 52010 Check# 0 Amount 40000.00
Date Presented 12-04-2002

[illegible][illegible]

BAGGA ENTERPRISES INC
 JURY'S RESTAURANT
 714 BETHLEHEM PIKE
 ERODINEMA, PA 19036

MIC BANK, N.A.
 P.O. BOX 100, PA.
 3-5710-087

5665
 12/31/02

PAY TO THE ORDER OF United Mt Penna \$39,000.00
Thirty Thousand and no/100 & no/100 DOLLARS

MEMO \$ 200
 005665# 001000053# 8613097032# 0003000000#

Khushi Bagga

[illegible]

POOJAN, INC. 10-01
121 DICKERSON RD., UNIT 6
NORTH WALES, PA 19454

FIRST UNION NATIONAL BANK
NORTH WALES, PA
3-90710

319

12/31/92

PAY TO THE ORDER OF United and Service \$ 500.00
Fine Thread and Sewing DOLLARS @

MEMO 55 156 Khushi Bagge

⑈000319⑈ ⑈031000503⑈ ⑈000003124350⑈ ⑈0000500000⑈

[illegible]

1445

BAGGA ENTERPRISES

PAY TO THE ORDER OF United Mt Services \$ 3,500.00

DATE 12/31/02 69-0719-30

Three Thousand Five Hundred and no/100 < DOLLARS

LA Bank

FOR Khushi Bagga

001445 *031112110* 1209010976* 0000390000*

0272406910
R013 637 P9

COMMERCIAL
BANK
12/31/2002

001601357
001601357
001601357
001601357

0234 71645

PAY TO THE ORDER OF
COMMERCIAL BANK
FOR DEPOSIT ONLY
UNITED MANAGEMENT SERVICES
09041948

1178

CJA ENTERPRISES, INC.
P.O. BOX 1161
WESLACO, TX 78590


PAY TO THE ORDER OF United Nat Bank


DATE 12/31/02

\$ 600.00

Six Hundred and no/100

DOLLARS 00

 **TEXAS STATE BANK**
As Our Knees The Valley Like We Do



FOR 8796

⑆001178⑆ ⑆114909013⑆ ⑆51096609⑆ ⑆0000600000⑆

08724005E0
R013 E37 P24

COMMERCIAL BANK
12/31/2002

POST TO THE ORDER OF
COMMERCIAL BANK
FOR DEPOSIT ONLY
UNITED MANAGEMENT SERVICES
29-0610145

K. Bagga
2

K. Bagg
EXHIBIT NO. 2
AUC 6/17/03

WELCOME GROUP, INC.
 ARBY'S RESTAURANT
 38 SUEBURG ROAD
 PINE GROVE, PA 17963

60-726/233
 817021387

1220

DATE 12/31/02

PAY TO THE ORDER OF United 1st Service \$12,000.00

Twelve Thousand Dollars DOLLARS

Sovereign Bank
 sovereignbank.com

MEMO H 75K

Khushi Bagge

⑆23137269⑆ 817021387 1220 ⑈000120000⑈

Account 8171021387 Check# 0 Amount 12000.00
 Date Presented 12-31-2002

0272400930
 R013 B37 P11

COMMERCIAL BANK

PAY TO THE ORDER OF
 U.S. COMMERCIAL BANK
 FOR DEPOSIT ONLY
 UNITED MANAGEMENT SERVICES
 384041049

DEC 31 02

BAGGA ENTERPRISES, INC. 11-89 497

60-83/0313
 950423090

Date 12/31/02

PAY TO THE ORDER OF United 1st Service \$1,500.00

One Thousand Five Hundred Dollars DOLLARS

allfirst
 Allfirst Bank
 Harrisburg, PA 17101

MEMO H 75K

Khushi Bagge

⑆03130083⑆ 950423090 0497 ⑈000015000⑈

Account 950423090 Check# 0 Amount 1500.00
 Date Presented 12-31-2002

0272400940
 R013 B37 P9

COMMERCIAL BANK

PAY TO THE ORDER OF
 U.S. COMMERCIAL BANK
 FOR DEPOSIT ONLY
 UNITED MANAGEMENT SERVICES
 384041049

DEC 31 02

WELCOME GROUP, INC.
 714 BETHLEHEM PIKE
 ERDENHEIM, PA 19039

60-84/333
 000016236

1439

DATE 12/31/02

PAY TO THE ORDER OF United 1st Service \$2,000.00

Two Thousand Dollars DOLLARS

Wayne Bank

MEMO H 75K

Khushi Bagge

⑆031308548⑆ 00004016236 1439 ⑈000020000⑈

Account 4016236 Check# 0 Amount 2000.00
 Date Presented 12-31-2002

0272400950
 R013 B37 P9

COMMERCIAL BANK

PAY TO THE ORDER OF
 U.S. COMMERCIAL BANK
 FOR DEPOSIT ONLY
 UNITED MANAGEMENT SERVICES
 384041049

DEC 31 02

BAGGA ENTERPRISES, INC.
 714 BETHLEHEM PIKE
 ERDENHEIM, PA 19039

60-100059
 335
 1010001728

957

DATE 12/31/02

PAY TO THE ORDER OF United 1st Service \$2,500.00

Two Thousand Five Hundred Dollars DOLLARS

First Liberty Bank & Trust
 a division of COMMUNITY BANK, P.A.
 KINGSTON, PENNSYLVANIA 17034

MEMO H 75K

Khushi Bagge

⑆031312026⑆ 10 10 001728 0957 ⑈000025000⑈

Account 1010001728 Check# 0 Amount 2500.00
 Date Presented 12-31-2002

0272400960
 R013 B37 P9

COMMERCIAL BANK

PAY TO THE ORDER OF
 U.S. COMMERCIAL BANK
 FOR DEPOSIT ONLY
 UNITED MANAGEMENT SERVICES
 384041049

DEC 31 02

WELCOME GROUP, INC.
 DBA ARBY'S
 714 BETHLEHEM PIKE
 ERDENHEIM, PA 19039

60-213/333
 6483399

1512

DATE 12/31/02

PAY TO THE ORDER OF United 1st Service \$3,000.00

Three Thousand Dollars DOLLARS

Lafayette Ambassador Bank
 Lehigh, PA 18042 • Member FDIC

MEMO H 75K

Khushi Bagge

⑆031302133⑆ 64 83399 1512 ⑈000030000⑈

Account 6483399 Check# 0 Amount 3000.00
 Date Presented 12-31-2002

0272400970
 R013 B37 P9

COMMERCIAL BANK

PAY TO THE ORDER OF
 U.S. COMMERCIAL BANK
 FOR DEPOSIT ONLY
 UNITED MANAGEMENT SERVICES
 384041049

DEC 31 02

BAGGA ENTERPRISES, INC.
 714 BETHLEHEM PIKE
 ERODENHEM, PA 15038

Date 12/31/02 165

PAY (to the order of) United Technologies \$ 2,000.00
Two Thousand and no/100 Dollars

Citizens
 BANK

For 8 7815 Kristin Bagge

⑆031306029⑆ 01 160850 01⑆ 0165 ⑈0000200000⑈

0272400980
 R013-B37 P9

COMMERCIAL BANK

12/31/2002

PAY TO THE ORDER OF
 COMMERCIAL BANK
 FOR DEPOSIT ONLY
 UNITED MANAGEMENT SERVICES
 2071238401042

Account 116085001 Check# 0 Amount 2000.00
 Date Presented 12-31-2002

UNITED MANAGEMENT SERVICES
714 BETHLEHEM PIKE
EPOKENEH, PA 19028

Commerce Bank
America's Most Commanded Bank
1-800-222-2222

1248

12/16/02

PAY TO THE ORDER OF Paul Bego

One Hundred Sixty Two And no/100 \$162.00 DOLLARS

MEMO

0243.52 12/13/02 0003 ON-US CASHED CHECK 12/17 364041046 \$162.00

⑈001248⑈ ⑈036001808⑈ 36 404104 6⑈ ⑈0000016200⑈

Account 364041046 Check# 1248 Amount 162.00
Date Presented 12-13-2002

0125346190
R029 B2 P1

COMMERCE BANK
12/13/2002

1217 03107

FOR DEPOSIT ONLY
KNOPE AUTOMOTIVE, INC.

UNITED MANAGEMENT SERVICES
714 BETHLEHEM PIKE
EPOKENEH, PA 19028

Commerce Bank
America's Most Commanded Bank
1-800-222-2222

1249

12/16/02

PAY TO THE ORDER OF KNOPE AUTOMOTIVE

THREE THOUSAND & 00/100 \$3000.00 DOLLARS

MEMO DOWN PAYMENT CAR FOR CAR

0243.52 12/13/02 0003 ON-US CASHED CHECK 12/17 364041046 \$162.00

⑈001249⑈ ⑈036001808⑈ 36 404104 6⑈ ⑈0000030000⑈

Account 364041046 Check# 1249 Amount 3000.00
Date Presented 12-18-2002

0240002222
R017 B5 P1

COMMERCE BANK
12/18/2002

1217 03107

FOR DEPOSIT ONLY
KNOPE AUTOMOTIVE, INC.

⑈0310000534⑈
R017 B5 P1
2800497905

UNITED MANAGEMENT SERVICES
714 BETHLEHEM PIKE
EPOKENEH, PA 19028

Commerce Bank
America's Most Commanded Bank
1-800-222-2222

1250

12/16/02

PAY TO THE ORDER OF Charles Kego

Thirteen Thousand Five Hundred And no/100 \$13500.00 DOLLARS

MEMO

0243.52 12/13/02 0003 ON-US CASHED CHECK 12/17 364041046 \$162.00

⑈001250⑈ ⑈036001808⑈ 36 404104 6⑈ ⑈0000013500⑈

Account 364041046 Check# 1250 Amount 13500.00
Date Presented 12-17-2002

0240002222
R015 B27-P1

COMMERCE BANK
12/17/2002

1217 03107

FOR DEPOSIT ONLY
KNOPE AUTOMOTIVE, INC.

⑈0310000534⑈
R015 B27-P1
2800497905

UNITED MANAGEMENT SERVICES
714 BETHLEHEM PIKE
EPOKENEH, PA 19028

Commerce Bank
America's Most Commanded Bank
1-800-222-2222

1251

12/17/02

PAY TO THE ORDER OF Paul Bego

One Hundred Forty And no/100 \$140.00 DOLLARS

MEMO

0243.52 12/13/02 0003 ON-US CASHED CHECK 12/17 364041046 \$162.00

⑈001251⑈ ⑈036001808⑈ 36 404104 6⑈ ⑈0000014000⑈

Account 364041046 Check# 1251 Amount 140.00
Date Presented 12-18-2002

0144242040
R017 B19 P1

COMMERCE BANK
12/18/2002

1217 03107

FOR DEPOSIT ONLY
KNOPE AUTOMOTIVE, INC.

⑈0310000534⑈
R017 B19 P1
2800497905

UNITED MANAGEMENT SERVICES
714 BETHLEHEM PIKE
EPOKENEH, PA 19028

Commerce Bank
America's Most Commanded Bank
1-800-222-2222

1252

12/17/02

PAY TO THE ORDER OF Paul Bego

Four Thousand Three Hundred Fifty And 35/100 \$4350.35 DOLLARS

MEMO SALES TAX FOR PONTIAC INC

0243.52 12/13/02 0003 ON-US CASHED CHECK 12/17 364041046 \$162.00

⑈001252⑈ ⑈036001808⑈ 36 404104 6⑈ ⑈0000043503⑈

Account 364041046 Check# 1252 Amount 4350.35
Date Presented 12-18-2002

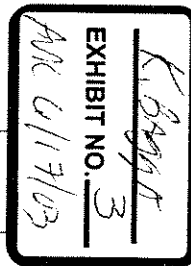
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R017 B19 P1

COMMERCE BANK
12/18/2002

1217 03107

FOR DEPOSIT ONLY
KNOPE AUTOMOTIVE, INC.

⑈0310000534⑈
R017 B19 P1
2800497905



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1

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF PENNSYLVANIA
3 CIVIL ACTION NO. 2002-A; 02-2710;
4 02-2711; 02-2711; 02-2711

5 -----
6 FL RECEIVABLE TRUST,
7 Plaintiff,
8

9 vs.

10 BAGGA ENTERPRISES, INC; JAMUNA REAL ESTATE,
11 LLC; UNITED MANAGEMENT, SERVICES, INC.; and
12 WELCOME GROUP, INC.

13 Defendants.

14 -----
15 AUGUST 7, 2003
16 -----

17 (Completion of) Videotape Oral
18 Deposition of KHUSHVINDER KAUR BAGGA, held in
19 the law offices of Obermayer, Rebman, Maxwell
20 & Hipple, 1617 John F. Kennedy Boulevard, 19th
21 Floor, Philadelphia, Pennsylvania 19103,
22 beginning at 12:31 pm, before Maureen
23 McCarthy, a Registered Professional Reporter,
24 Certified Realtime Reporter, Approved Reporter
25 of the U.S. District Court, and a Notary
26 Public of the Commonwealth of Pennsylvania.

27 -----
28 ESQUIRE DEPOSITION SERVICES
29 1800 John F. Kennedy Boulevard
30 15th Floor
31 Philadelphia, Pennsylvania 19103
32 (215) 988-9191

ESQUIRE DEPOSITION SERVICE

2

1 APPEARANCES:

080703.txt

2
3 THACHER, PROFFIT & WOOD
4 ROBERT HERMANN, ESQUIRE
5 JEAN BURKE, ESQUIRE
6 LEE SMITH, ESQUIRE
7 50 Main Street, 5th Floor
8 white Plains, NY 10606
9 (914) 421-4100
10 and
11 OBERMAYER, REBMANN, MAXWELL &
12 HIPPEL, LLP
13 STEVEN A. HABER, ESQUIRE
14 LAWRENCE J. TABAS, ESQUIRE
15 One Penn Center, 19th Floor
16 Philadelphia, Pennsylvania 19103
17 (215) 665-3000
18 Counsel for Plaintiff
19
20 SPECTOR, GADON & ROSEN, PC
21 LESLIE BETH BASKIN, ESQUIRE
22 lbaskin@lawsgr.com
23 Seven Penn Center
24 1635 Market Street, 7th Floor
Philadelphia, Pennsylvania 19103
(215) 241-8888
Counsel for Defendants

ALSO PRESENT:

JASON HOFFMAN, Videotape Specialist
Esquire Deposition Services

ESQUIRE DEPOSITION SERVICE

3

1 I N D E X
2 WITNESS PAGE
3 KHUSHVINDER KAUR BAGGA
4 By Mr. Hermann 5
5

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ESQUIRE DEPOSITION SERVICE
KHUSHVINDER KAUR BAGGA

4

1 THE VIDEOGRAPHER: We are now on
2 the record. Today's date is August 7th, 2003.
3 The time is 12:31 pm.
4 Counsel, please introduce
5 yourselves for the record.
6 MR. HERMANN: I'm Robert Hermann
7 from Thacher, Proffitt & Wood representing the
8 plaintiff.

080703.txt

9 MS. BURKE: Jean Burke from Thacher, Proffitt
10 & Wood, also representing the plaintiff.

11 MR. LIPSKY: I'm Louis Lipsky representing
12 the defendants.

13 MS. BASKIN: Leslie Baskin from Spector,
14 Gadon & Rosen representing the deponent, Mrs. Bagga.

15 MR. KIDD: Ronald F. Kidd, representing the
16 deponent, Khushvinder Bagga, with regard to her
17 Constitutional rights.

18 MR. TABAS: Lawrence Tabas, also
19 representing Prudential.

20 THE WITNESS: I'm Khushvinder Bagga.

21 THE VIDEOGRAPHER: The court reporter can
22 now swear in the witness.

23 -----

24 KHUSHVINDER KAUR BAGGA, 611 Creek

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KHUSHVINDER KAUR BAGGA

5

1 Lane, Flourtown, PA 19031, having been
2 previously sworn, was examined and testified
3 as follows:

4 EXAMINATION

5 BY MR. HERMANN:

6 Q. Good afternoon, Mrs. Bagga.

7 A. Good afternoon.

8 Q. We're going to continue your deposition today,
9 and under the same rules that I mentioned last time,
10 particularly, that if you don't understand a question,
11 indicate that, and I'll try to rephrase it so that it's
12 clearer.

080703.txt

13 Do you understand that?

14 A. Yes.

15 Q. Are you in good health today?

16 A. Yes.

17 MS. BASKIN: Before you start your
18 questions, if I could just make a general statement.

19 As everyone knows, we're here under a July
20 17th, 2003 order that was issued by Judge Reed.

21 I would just like to state that there is a
22 continuing general objection to the basis of relevance
23 concerning Mrs. Bagga's personal assets or anything not
24 directly related to the defendants here; and that our

ESQUIRE DEPOSITION SERVICE
KHUSHVINDER KAUR BAGGA

6

1 attendance here should not be deemed to be a waiver,
2 that general and continuing objection.

3 And just one other point. Prior to the
4 deposition, I believe some time this week or late last
5 week, a confidentiality order was circulated to counsel,
6 and it's my understanding in speaking to my partner,
7 susanne Shiller, that Mr. Hermann and Mr. Lipsky have
8 both approved the confidentiality agreement.

9 MR. HERMANN: I received the confidentiality
10 agreement yesterday afternoon. I had previously
11 indicated to Susan Shiller that I had no objection in
12 principle to signing one.

13 I have not had full opportunity to review
14 this and I've asked Ms. Burke also to review it, but it
15 is our intention to enter into a confidentiality

080703.txt

16 agreement in the general nature here, and I simply
17 haven't looked at it with all the specifics; correct
18 thank you.

19 MR. KIDD: My name is Ron Kidd. I was
20 engaged by Mrs. Bagga last night, which would have been
21 August the 6th, and met with her between 4:30 and 8:30,
22 and at the conclusion of the meeting, I advised that
23 counsel for her at the deposition that she would be
24 invoking her Fifth Amendment to selected questions at

ESQUIRE DEPOSITION SERVICE
KHUSHVINDER KAUR BAGGA

7

1 the deposition tomorrow; and that I expect to limit my
2 role to giving her advice on which questions to answer
3 and whether or not to invoke her Constitutional rights
4 with regard to those questions.

5 In the early invocation of the rights,
6 assuming that she invokes them, she will read that she's
7 relying on counsel and that she's invoking her Fifth
8 Amendment rights under the Constitution of the United
9 States and refusing to answer.

10 After answering in that manner ten or 15
11 times, we will then switch to invoking our Fifth
12 Amendment rights by just saying "the Fifth Amendment."

13 MR. TABAS: Mr. Kidd, I would just like to
14 clarify -- this is Lawrence Tabas -- that if she invokes
15 it after that first time when she makes the full
16 statement that she actually state fully that she is
17 invoking the Fifth Amendment.

18 She doesn't have to read the whole statement
19 but rather than just use the phrase "Fifth Amendment."

080703.txt

20 MR. KIDD: Yes. That's just to eliminate
21 the tedium of a long response to each question, and
22 hopefully to expedite the deposition.

23 MR. TABAS: Thank you.

24 BY MR. HERMANN:

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8

1 Q. Mrs. Bagga, have you discussed what your
2 testimony today may be with anyone other than your
3 lawyers?

4 A. No.

5 Q. And have you reviewed any documents in
6 preparation for today's deposition?

7 A. You mean today?

8 Q. No. Prior to today, have you reviewed any
9 documents in order to prepare yourself to have your
10 deposition taken today?

11 A. I read my previous deposition.

12 Q. And did you make any corrections in your previous
13 deposition?

14 A. No.

15 Q. Did you sign the deposition?

16 A. No. I've not signed it.

17 Q. Did you show a copy of your deposition transcript
18 to anybody?

19 A. No.

20 Q. Did you discuss with anybody other than your
21 lawyers your answers to any of the questions that you
22 were asked at your last deposition?

080703.txt

23 A. No.

24 Q. Your lawyers produced to us copies of certain

ESQUIRE DEPOSITION SERVICE

9

1 documents from a computer that are in the software
2 format of Quicken.

3 Are you familiar with that?

4 A. Yes.

5 Q. Do you know where those computer records came
6 from?

7 A. I guess someone in the office. Probably got the
8 records from the office; right?

9 Q. I don't want you to guess. Do you know where
10 they came from?

11 A. I was not there when your people came. I know
12 somebody from your comp -- from your organization went
13 to the office to make copies of the computer records.

14 Q. When you say the office, what building are you
15 referring to?

16 A. 714 Bethlehem Pike.

17 Q. Excuse me just one minute. I have to turn this
18 thing off.

19 Q. Did you, in fact, see a copy of the records that
20 were produced to us yesterday?

21 A. No.

22 Q. You maintained, didn't you, certain records on a
23 computer in the Quicken software format.

24 Is that correct?

ESQUIRE DEPOSITION SERVICE
Page 8

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10

1 A. Yes.

2 Q. For how long a period of time did you keep those
3 records?

4 A. Couple months.

5 Q. In 2003?

6 A. Yes.

7 Q. Do you know when you started?

8 A. Some time in May.

9 Q. And did you stop at some point?

10 A. No. I just did it for a couple of months, then I
11 was not here, so it was just my personal accounts, I
12 guess, you're referring to.

13 Q. Who made the entries in the computer that are
14 reflected in the information that was produced to us?

15 MR. KIDD: I'm going to instruct you not to
16 answer that question. Invoke your rights,

17 A. Relying on the advice of my attorney, I invoke my
18 right against self-incrimination under the Constitution
19 of the United States and refuse to answer your question.

20 Q. Why did you start using this Quicken software to
21 keep track of your personal accounts?

22 A. I wanted to learn how Quicken works.

23 Q. How did you keep track of this kind of
24 information before you used the Quicken software?

ESQUIRE DEPOSITION SERVICE

11

1 A. On the -- with the checking -- with my checkbook,

080703.txt

2 there's a little book there.

3 Q. And when you wrote a check, you would make an
4 entry and a notation of the person to whom you wrote it
5 and the date?

6 A. Most of the time, yes.

7 Q. Did you also note deposits in your checkbook
8 memos?

9 A. Usually, yes.

10 Q. For how long a period of time have you been doing
11 that prior to using the Quicken software?

12 A. Since I've had my account.

13 Q. Now, which account are we talking about?

14 A. Checking account.

15 Q. And where is that checking account?

16 A. Sovereign Bank.

17 Q. How long have you had a checking account at
18 Sovereign Bank?

19 MS. BASKIN: Objection to form.

20 MR. KIDD: Answer the question.

21 A. It was a long time. I don't remember since when.

22 Q. Several years?

23 A. Several years, yes.

24 Q. Do you have any other checking accounts at any

ESQUIRE DEPOSITION SERVICE

12

1 other banks?

2 A. No.

3 Q. Do you have more than one personal checking
4 account at Sovereign Bank?

5 A. No.

080703.txt

- 6 Q. Do you sometimes write letters?
7 A. Yes.
8 Q. Do you write them by hand or on a typewriter?
9 A. By hand or on the computer sometimes.
10 Q. When you write letters on a computer, do you
11 write them from home or from the office?
12 A. Both.
13 Q. You have a computer at home as well?
14 A. Yes.
15 Q. Do you write business letters from the office and
16 personal letters from home?
17 A. Not necessarily. Sometimes I write personal
18 letters from the office too.
19 Q. When you write a letter on the computer in the
20 office, do you save it?
21 MS. BASKIN: Objection to form.
22 A. Sometimes, yes, not all the time.
23 Q. When you save it in the office, do you save it to
24 the hard drive or do you save it on a disk?

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13

- 1 A. I really don't know that much about computers. I
2 just click the "save" button, so I don't know where it
3 goes, whether it goes on the hard drive? I have no
4 idea.
5 Q. When you write letters in the office and you save
6 them, which computer do you actually use to do that?
7 The same computer -- is it the same computer that has
8 the Quicken records?

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9 A. Yes.

10 Q. Where is that computer located within the office?

11 A. On my desk.

12 Q. Approximately, how many letters a week do you
13 write on average?

14 A. From the office?

15 Q. Yes.

16 MS. BASKIN: Objection to form.

17 A. Sometimes none. I don't go to the office every
18 day.

19 Q. Would it help if I asked you about how many
20 letters a year you write from the office?

21 A. I don't know how many letters I would write. I
22 don't keep account of them.

23 Q. In the last 12 months, have you written more than
24 one letter at the office?

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1 A. Yes.

2 Q. More than ten?

3 A. I couldn't be able to give you a number. I don't
4 remember.

5 Q. Do you know whether it's more than ten?

6 A. Yes, could be.

7 Q. It could be or is, you think?

8 A. I don't know. First of all, I'm kind of confused
9 which if a document or this computer only, this desk. I
10 just started doing it in May, so --

11 Q. Prior to May of this year, did you use a
12 different computer in the office?

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13 A. No, I used the same computer, but I'm not at the
14 office every day.

15 Q. I understand that you're not at the office every
16 day.

17 I'm simply trying to ask you, when you're in the
18 office, about how many letters you normally write in the
19 course of a week or a year, whichever is easier for you
20 to answer.

21 A. Could be 20, 25? I don't know. I couldn't give
22 you a number. I don't remember how many letters I
23 write.

24 Q. If you write a letter with regard to business

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1 matters, do you always save it?

2 A. No.

3 Q. What determines whether you do or don't save a
4 letter that pertains to business matters?

5 A. If it's important, I feel important, I save it.
6 If I don't feel, if it's a general letter, I'm just
7 saying hello, how are you doing? What's going on? I
8 don't need to save it.

9 Q. Do you write business letters that just say
10 hello, how are you doing? What's going on?

11 A. Yes. Just to say what's happening. Nothing, but
12 there's not much there to write.

13 I don't -- I just said, I don't write that many
14 letters so --

15 Q. Do you use e-mail?

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16 A. Yes.

17 Q. Do you use e-mail in the office?

18 A. Sometimes.

19 Q. When you use e-mail in the office, do you use it
20 for personal as well as business reasons?

21 A. Yes.

22 Q. What's your e-mail address?

23 MR. KIDD: I'm going to instruct you not to
24 answer.

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16

1 A. Relying on the advice of my attorney, I invoke my
2 right against self-incrimination under the Constitution
3 of the United States and refuse to answer your question.

4 Q. Is there a domain name for your office?

5 A. I don't think so.

6 Q. How often do you use e-mail in the office?

7 A. Not very often.

8 Q. Do you sometimes use e-mail to contact people
9 with whom Bagga Enterprises does business?

10 A. No.

11 Q. Do you sometimes use e-mail to contact people
12 with regard to your own personal financial matters in
13 the office?

14 A. No.

15 Q. Do you know how frequently e-mails are removed
16 from the system in your office?

17 A. Whose system? My system?

18 Q. Yes.

19 A. No.

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20 Q. Do you know who the Internet service provider is
21 that's used in your office?

22 A. AOL?

23 Q. Do you send e-mails from home too?

24 A. Yes.

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17

1 Q. Is AOL the Internet service provider for your
2 home computer also?

3 A. Yes.

4 Q. Do you use a different user name and domain name
5 at home from what you use at the office?

6 A. I don't understand what domain name is.

7 Q. Is your address. Is your e-mail address the same
8 at home as at the office?

9 A. Yes.

10 Q. Do you use your e-mail at home for personal
11 financial matters?

12 A. I don't understand your question.

13 Q. Do you ever use the e-mail account that you have
14 that you access at home in order to handle personal
15 financial matters either for yourself or for your
16 husband?

17 A. I don't think so, no

18 Q. Do you ever send e-mails to people in India from
19 your home?

20 A. Yes.

21 Q. Do you ever send e-mails to India from your
22 office?

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23 A. Yes, maybe.

24 Q. With whom do you correspond in India by e-mail?

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18

1 A. Friends, family.

2 Q. Approximately, how many people are you
3 describing?

4 A. 15, 20.

5 Q. Are all of those people friends and family?

6 A. Yes.

7 Q. When you correspond with the people in India, do
8 you ever correspond with them with regard to financial
9 matters?

10 MS. BASKIN: Objection to form.

11 A. I don't understand your question. What do you
12 mean by financial matters?

13 Q. Matters relating to your own personal assets,
14 your banking accounts, your savings.

15 A. No.

16 Q. Your property.

17 A. No.

18 Q. When you send correspondence from your house,
19 letters, do you save those on your computer at home?

20 MS. BASKIN: Objection to form.

21 MR. KIDD: Do you not understand the
22 question or do you think you should invoke the Fifth
23 Amendment? Invoke the Fifth Amendment.

24 A. I don't understand what you're saying. If I save

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19

1 them or not?

2 Q. If you write a letter to someone from your house,
3 do you save that on your computer?

4 A. Sometimes, yes.

5 Q. Do you save it in hard copy? On paper?

6 A. I don't understand hard copy or the disk, how
7 it's saved.

8 Q. In other words, do you save a piece of paper
9 which shows the document printed out or do you just save
10 it on the computer electronically?

11 A. Sometimes I would print it out. Sometimes I
12 would save it on the computer.

13 Q. Do you maintain a file of printed copies of
14 letters you send from home?

15 MS. BASKIN: General objection to all
16 questions concerning her personal computer at home, as
17 to form.

18 MR. KIDD: Answer the question.

19 A. Can you repeat the question, please?

20 (Pertinent portion of the transcript were read by
21 the court reporter.)

22 A. Sometimes if I feel it's important, I do save it.
23 If I don't, I don't.

24 Q. But at this point, do you have something that's

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20

1 called a correspondence file that shows the letters you

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2 send?

3 A. No.

4 Q. If you were looking to get a copy of a letter
5 that you sent that you think you saved on a piece of
6 paper, where do you go look for it?

7 A. On my desk.

8 Q. Are all the letters you sent in one particular
9 place on your desk?

10 A. No. They're spread out on my desk.

11 Q. Is it your testimony that all the letters you've
12 ever sent that you kept copies of are spread out on your
13 desk?

14 A. No. If I saved it, it should be there. If I
15 didn't save it, it's probably in the trash.

16 Q. But if you saved it, it's sitting on top of your
17 desk.

18 Is that what you're saying?

19 A. Desk or in the office somewhere.

20 Q. Did you say the desk or in your office somewhere?

21 A. Somewhere in the office.

22 Q. Where else in your office might you save a
23 letter?

24 A. On the desk. There's other furniture in the

ESQUIRE DEPOSITION SERVICE

21

1 office.

2 Q. Do you have a filing cabinet at your home?

3 A. No.

4 Q. Do you ever put letters that you save inside
5 drawers as well as on top of the desk?

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6 A. What letters are you talking about?

7 Q. The letters that you were just describing a
8 moment ago that you sent to other people and saved a
9 copy of.

10 A. Yes, they would be on the desk, in the drawer,
11 somewhere.

12 Q. If they're in the drawer, are they filed in any
13 particular way?

14 A. No.

15 Q. They're not even filed chronologically?

16 A. No.

17 Q. Do you make a practice of reading your tax
18 returns before you sign them?

19 MR. KIDD: Invoke your rights.

20 A. Relying on advice of my attorney, I invoke my
21 rights against self-incrimination under the Constitution
22 of the United States and refuse to answer your question.

23 Q. Have you ever had any discussions with either
24 Norman Cahan or any other accountant about your tax

ESQUIRE DEPOSITION SERVICE

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1 returns?

2 MR. KIDD: Invoke your rights.

3 A. Relying on the advice of my attorney, I invoke my
4 rights against self-incrimination under the Constitution
5 of the United States and refuse to answer your question.

6 MR. HERMANN: I'm just going to point out
7 that these are questions that were not answered last
8 time and that the judge directed her to answer.

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9 MR. KIDD: I'm aware that those questions
10 were asked last time with regard to her tax returns and
11 the questions involving Mr. Cahan.

12 With that awareness, I'm still advising her
13 to invoke her Fifth Amendment rights.

14 MR. HERMANN: I'm not going to repeat that
15 observation but it's going to apply to a lot of the
16 questions.

17 MR. KIDD: I guess I will give you a
18 continuing objection then.

19 MR. HERMANN: Continuing observation.

20 BY MR. HERMANN:

21 Q. Do you have a personal money manager?

22 A. No.

23 Q. What's the amount of the mortgage on your home?

24 A. About 8,000 dollars a month. I'm sorry.

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□

23

1 Q. What's the principal?

2 MR. KIDD: He asked you what is the
3 principal amount of the mortgage on your home.

4 A. 1.6 million.

5 Q. Have you made any applications for loans in the
6 past two years?

7 MR. KIDD: Invoke your rights under the
8 Fifth Amendment.

9 A. Relying on the advice of my attorney, I invoke my
10 right against self-incrimination under the Constitution
11 of the United States and refuse to answer your question.

12 Q. Is your home up for sale?

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13 A. No.

14 Q. Have you given a listing to any broker?

15 A. No.

16 Q. Have you made any loan guarantees in the past two
17 years? That is -- I see you're looking at your lawyer.

18 MR. KIDD: She's looking to me for
19 clarification of the question, not for on whether to
20 invoke --

21 BY MR. HERMANN:

22 Q. I was going to clarify.

23 Do you know what I mean by a loan guarantee?

24 A. I don't understand.

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24

1 Q. Have you guaranteed the repayment of a loan that
2 somebody else took out in the last couple years?

3 A. Somebody else? Meaning who?

4 Q. Well, your husband or any other person, where you
5 guaranteed repayment of that loan. Children?

6 MR. KIDD: Invoke your rights under the
7 Fifth Amendment.

8 A. Relying on the advice of my attorney, I invoke my
9 right against self-incrimination under the Constitution
10 of the United States and refuse to answer your question.

11 Q. Do you own any real estate other than your home,
12 either separately or jointly with somebody else?

13 A. Yes.

14 Q. What real estate is that?

15 A. The office, 714 Bethlehem Pike.

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- 16 Q. And what's your ownership interest in that?
- 17 A. I own hundred percent.
- 18 Q. Is there any mortgage on that?
- 19 A. Yes.
- 20 Q. What's the amount of the mortgage on that?
- 21 A. 244,000.
- 22 Q. Do you own any other property besides that?
- 23 A. No.
- 24 Q. Do you have a brokerage account?

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- 1 A. Yes.
- 2 Q. With what firm or firms?
- 3 A. Brown and Company.
- 4 Q. Any others?
- 5 A. I used to have Fidelity. I don't remember if
- 6 it's still there.
- 7 Q. That would be a mutual fund account?
- 8 A. I don't remember what it was.
- 9 Q. Do you have any mutual fund accounts?
- 10 A. I don't think so. I don't remember.
- 11 Q. You have a checking account with Sovereign Bank.
- 12 Is that correct?
- 13 A. Yes.
- 14 Q. And do you have a main branch for that, that you
- 15 deal with at Sovereign Bank?
- 16 A. No.
- 17 Q. When you have to go in to see somebody at the
- 18 Bank, where would you go?
- 19 A. Wherever I am, I just go into any branch.

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20 Q. Is it correct that one of the things that you've
21 done in connection with United Management and Bagga
22 Enterprises is to handle certain banking deposits?

23 A. Yes.

24 Q. And can you tell me the names of all the banks in

ESQUIRE DEPOSITION SERVICE

26

1 which you've deposited money on behalf of Bagga
2 Enterprises or United Management in the last two years?

3 MR. KIDD: I'm instructing her to invoke her
4 Fifth Amendment rights.

5 A. Relying on the advice of my attorney, I invoke my
6 right against self-incrimination under the Constitution
7 of the United States and refuse to answer your question.

8 Q. Now, another of your functions is writing checks
9 for those businesses.

10 Is that correct?

11 MS. BASKIN: Objection as to form.

12 A. Not anymore, no.

13 Q. Was there a time when that was one of your
14 functions?

15 MR. KIDD: Invoke your rights under the
16 Fifth Amendment. Just say, I'm invoking my rights under
17 the Fifth Amendment.

18 A. I'm invoking my rights under the Fifth Amendment.

19 Q. Can you tell me the names of all of the banks on
20 which you have, on behalf of Bagga Enterprises, United
21 Management or any other of the family-related
22 businesses, written checks in the past two years?

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23 MR. KIDD: Invoke your rights under the
24 Fifth Amendment.

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1 A. I invoke my right under the Fifth Amendment.

2 Q. Have you set up any trusts in the last two years?

3 MR. KIDD: Invoke your rights.

4 A. I invoke my rights under the Fifth Amendment.

5 Q. Have you transferred any real or personal
6 property in the last six years?

7 MR. KIDD: Invoke your rights.

8 A. I invoke my right against self-incrimination
9 under the Constitution of the United States and refuse
10 to answer your question.

11 Q. Have you assigned any property to creditors in
12 the last three years?

13 A. I don't understand. What do you mean?

14 Q. You know what a creditor is?

15 A. Yes.

16 Q. Have you ever, in last three years, assigned
17 anything to them in payment of a debt that you had to
18 them or that you and your husband collectively had to
19 them?

20 A. I don't know of anything, no.

21 Q. Did you ever borrow any money from the Singh
22 Brothers' trust?

23 MR. KIDD: Invoke your rights.

24 A. I invoke my right under the Fifth Amendment.

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1 Q. Did you ever hear of the Singh Brothers trust?

2 MR. KIDD: Invoke your rights under the
3 Fifth Amendment.

4 A. I invoke my right under the Fifth Amendment.

5 Q. Did you know whether Amar Singh is one of the
6 Singh Brothers in the Singh Brothers trust?

7 MR. KIDD: Invoke your rights.

8 A. I invoke my right under the Fifth Amendment.

9 THE VIDEOGRAPHER: Off the tape. 1:02.

10 (Recess.)

11 THE VIDEOGRAPHER: Back on the record.

12 1:08.

13 MR. HERMANN: Mr. Kidd, we've run into some
14 of those directions not to answer that you warned us of.

15 I guess I would like to ask you now if you
16 would state for the record what the basis of this
17 direction is.

18 MR. KIDD: That, in my opinion, these
19 questions could tend to incriminate her by making a
20 response to it or lead to a further question that could
21 tend to incriminate her.

22 In other words, some of the questions could
23 be a link in the chain, and the chain leading to areas
24 which would be -- where she would have a right of

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1 self-incrimination.

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2 But I'm not going to give you what the areas
3 of exposure are, for the record. If necessary, and this
4 comes to a Motion to Compel, I would gladly explain to
5 the judge on an exparte off the record representation as
6 to why there's a good faith basis for her to invoke her
7 Fifth Amendment rights on a selective basis.

8 BY MR. HERMANN;

9 Q. Mrs. Bagga, do you get paid by K and P Realty?

10 MR. KIDD: Don't shake your head. Answer
11 the question.

12 A. I don't understand. Do I get a paycheck?

13 Q. Yes.

14 A. No.

15 Q. Has K and P sold any real estate?

16 A. Not that I know of, no.

17 Q. Have you ever seen a statement of the income and
18 expenses of K and P?

19 A. No.

20 Q. Do you have an ownership interest in K and P?

21 A. Yes.

22 Q. How much of it do you own?

23 A. Hundred percent.

24 Q. Did you ever get any distributions of money from

ESQUIRE DEPOSITION SERVICE

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1 K and P? Separate from a paycheck.

2 A. I don't understand the question.

3 Q. Did you ever get any money at all from K and P?

4 A. K and P did not pay me.

5 Q. Did you ever sign a tax return for K and P?

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- 6 A. I don't remember, no.
- 7 Q. You told us last time about an entity called
- 8 Poojan, P-O-O-J-A-N.
- 9 A. Yes.
- 10 Q. What does Poojan own?
- 11 A. It's owned by my husband.
- 12 Q. Do you know what it, the company itself, owns, if
- 13 anything?
- 14 A. It owns one Arby's Restaurant.
- 15 Q. And where is that?
- 16 A. In Pittston, Pennsylvania.
- 17 Q. Now, since your original deposition, have you
- 18 been out of the country?
- 19 A. Yes.
- 20 Q. Where did you go?
- 21 A. India and England.
- 22 Q. And when did you go?
- 23 A. I think I left on the 17th of last month.
- 24 Q. July 17th?

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- 1 A. Around that time. I don't remember exact date.
- 2 Q. And when did you return?
- 3 A. 25th, 26th? Something.
- 4 Q. What airline did you travel on?
- 5 A. British Airways.
- 6 Q. Did you go on your own?
- 7 A. Yes.
- 8 Q. Did your son accompany you on part of the trip?

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- 9 A. No.
- 10 Q. Did he go to school in England during the summer?
- 11 A. Who?
- 12 Q. Your son.
- 13 A. No.
- 14 Q. So can you tell me what your itinerary was, where
- 15 you went first and where you went second?
- 16 A. I went to India first and, on the way back, I
- 17 stopped in England.
- 18 Q. How long were you in England?
- 19 A. Two days.
- 20 Q. Where did you stay?
- 21 A. With a friend of mine.
- 22 Q. In what city?
- 23 A. Haunslow, I think.
- 24 Q. So for five or six days, you were in India?

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- 1 A. Yes.
- 2 Q. Where did you stay in India?
- 3 A. With my brother.
- 4 Q. In what city?
- 5 A. New Delhi.
- 6 Q. Did you stay with him the whole time?
- 7 A. No, I stayed with him part of the time. Part of
- 8 the time, I stayed with my friends.
- 9 Q. These are non-family friends you stayed with?
- 10 When you weren't staying with your brother, you
- 11 were staying with friends who were not part of your
- 12 family?

080703.txt

- 13 A. They're family also, I guess.
- 14 Q. Were they also in New Delhi?
- 15 A. Yes.
- 16 Q. Did you rent a car while in India?
- 17 A. No.
- 18 Q. Do you have an Indian driver's license?
- 19 A. No.
- 20 Q. When you're in India, if you need money, where do
- 21 you get it?
- 22 A. Get it from my brother, get it from my
- 23 mother-in-law.
- 24 Q. Does your mother-in-law also live in New Delhi?

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- 1 A. No.
- 2 Q. Where does she live?
- 3 A. She lives in a town called Kanpur, K-A-N-P-U-R.
- 4 Q. How far is that from New Delhi?
- 5 A. It's about five, six hours' drive.
- 6 Q. Did you see her on your most recent trip?
- 7 A. No.
- 8 Q. When was the last time you saw her?
- 9 A. In December.
- 10 Q. If you need money and you get it from your
- 11 brother, how do you pay him back?
- 12 A. I don't. I don't pay my brother back. I don't
- 13 have to.
- 14 Q. Did you ever give him a check from an American
- 15 Bank and ask him to cash it for you?

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- 16 A. I don't remember.
17 Q. If you buy something in India, how do you pay for
18 it?
19 A. Use a credit card.
20 Q. What credit card do you use?
21 A. American Express, Master Card.
22 Q. On your most recent trip to India, did you charge
23 any purchases there?
24 A. Yes.

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- 1 Q. What did you buy?
2 A. Some clothes maybe.
3 Q. Anything else?
4 A. I don't think so, no.
5 Q. Do you own any real estate in India?
6 A. No.
7 Q. Does your husband own any real estate in India?
8 A. No.
9 Q. Do you own any shares of any real estate?
10 withdrawn.
11 Do you own a partial interest in any real estate
12 in India?
13 A. No.
14 Q. What business is your brother in in India?
15 A. He is in leather and apparel exports.
16 Q. Does he export to the United States?
17 A. Yes.
18 Q. Have you ever done any business with him in terms
19 of leather or apparel exports?

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- 20 A. No.
21 Q. Does he own his own business?
22 A. I don't know.
23 Q. Did you ever ask him whether he owns a business?
24 A. No.

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- 1 Q. Is there anybody else in your family who's in the
2 leather and apparel export business?
3 A. No.
4 Q. Does your brother have a store?
5 A. No.
6 Q. Is he in the wholesale part of the business?
7 A. I don't know details. I just know he's a man of
8 business.
9 Q. Do you know whether your husband has ever done
10 any business with your brother?
11 A. I don't know.
12 Q. Does your father maintain banking contacts in
13 India?
14 A. My father lives here now, so I don't know.
15 Q. Was he formally involved in banking in India?
16 A. Yes. He was a chairman of one of the banks in
17 India.
18 Q. What Bank was that?
19 A. Penjobbinson (ph) Bank.
20 Q. And when did he cease being the chairman of that
21 Bank?
22 A. I don't remember. A long time ago. About 15

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23 years ago, I think.

24 Q. Does your father travel to India at times?

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1 A. Yes, sometimes he does.

2 Q. Does he travel there more than once a year?

3 A. No, I don't think so.

4 Q. Do you know whether your father does any banking
5 business in India these days?

6 A. I don't know.

7 Q. Where does he live in America?

8 A. Lansdale, Pennsylvania.

9 Q. Do you own any assets in India?

10 A. No.

11 Q. Do you own any shares of any Indian companies?

12 A. I own share of one company, yes.

13 Q. What company is that?

14 A. I don't remember the name. I think it's called
15 Pradeep Metals.

16 Q. Can you spell that?

17 A. P-R-A-D-E-E-P Metals.

18 Q. Is that a publicly traded company?

19 A. I don't know.

20 Q. How long have you had an ownership interest in,
21 that is to say, ownership interest in Pradeep Metals?

22 A. I don't remember. I think it would probably be
23 ten, 15 years ago.

24 Q. Do you receive any income in connection with your

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1 ownership?

2 A. No.

3 Q. Have you sold any assets in India in the past ten
4 years?

5 A. I don't have any assets in India.

6 Q. I understand. I'm asking you whether you sold
7 any and that's why you don't have any anymore.

8 A. I can't sell something I don't have. I don't
9 have assets in India.

10 Q. And you haven't had any for the past ten years?

11 A. No.

12 Q. In the last three years, have you visited any
13 banks in India?

14 A. Yes.

15 Q. Which banks have you visited?

16 A. ICICI Bank.

17 Q. And where is that?

18 A. In New Delhi.

19 Q. Any other banks?

20 A. No.

21 Q. Can you approximate in the last ten years how
22 many times you visited ICICI Bank?

23 A. I visited once last year.

24 Q. What was the purpose of that visit?

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1 A. I opened an account.

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- 2 Q. Did you make an initial deposit in that account?
- 3 A. Yes.
- 4 Q. How much did you deposit into the account?
- 5 A. \$200.
- 6 Q. And since that time, had you deposited any more
- 7 money in the account?
- 8 A. No.
- 9 Q. Have you withdrawn any money from the account?
- 10 A. No.
- 11 Q. Why did you open an account in India with \$200?
- 12 A. Just thought, I go to India, sometimes I need it,
- 13 get an ATM card, if I need cash, I can get money, you
- 14 can -- I was told you can use it from here because they
- 15 have a bank here, but I haven't used it.
- 16 Q. That's your only bank account in India?
- 17 A. Yes.
- 18 Q. Do you have any bank accounts in any other
- 19 countries?
- 20 A. No.
- 21 Q. Have you closed any bank accounts in any other
- 22 countries in the last ten years?
- 23 A. No.
- 24 Q. Does your husband have a bank account in India?

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- 1 A. I don't think so.
- 2 Q. Have you ever asked any of your family members to
- 3 put some of your money in some of their accounts for
- 4 safe-keeping?
- 5 A. No.

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- 6 Q. Had you visited any investment firms in India in
7 the past five years?
- 8 A. No.
- 9 Q. Have you spoken to any investment firms?
- 10 A. No.
- 11 Q. Do you have any securities accounts in any
12 investment firms?
- 13 A. No.
- 14 Q. Have you discussed business or financial matters
15 with anybody in India in the past year?
- 16 A. No.
- 17 Q. Did you keep any diary or any record of anybody
18 you met with in India in the last year?
- 19 A. No.
- 20 Q. Do you have a palm pilot?
- 21 A. No.
- 22 Q. You don't have a personnel calendar?
- 23 A. No.
- 24 Q. Have you ever heard of something called Havalā

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- 1 (ph)?
- 2 A. What is that?
- 3 Q. I'm asking you whether you've heard of it.
- 4 A. No, I don't know what it is.
- 5 Q. Have you ever been involved in currency exchange
6 transactions involving Indian and US currency?
- 7 A. No.
- 8 Q. Has your husband ever been involved in currency

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9 exchange transactions involving Indian and US currency?

10 A. I don't know.

11 Q. To your knowledge, has anyone ever come to you or
12 your husband and asked for -- planning to go to India
13 and asking -- for your husband or for you to, in
14 essence, exchange money for them that they can receive
15 when they get to India?

16 A. No.

17 Q. Have you ever seen a copy of a transcript of
18 deposition testimony in which your husband described how
19 he engaged in this practice?

20 A. No.

21 Q. Have you ever spoken to people in India about
22 their getting money out of the country by engaging in
23 this practice of currency exchange with people in
24 America?

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1 A. No.

2 Q. Are you aware of whether there were any controls
3 on people taking money out of India who live there?

4 A. I don't know.

5 Q. Is it your testimony you've never heard that it's
6 difficult for people with wealth in India to take that
7 money out of the country?

8 A. I don't know what the system is.

9 Q. You've never heard that, that it's difficult for
10 people with money to get the money out of the country?

11 A. No.

12 Q. You've never seen people at your house coming to
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13 see your husband about giving him money that would then
14 be paid to them once they get to India?

15 A. No.

16 Q. On any of your trips to India, did you ever
17 discuss currency exchange with anybody there?

18 A. No.

19 Q. Did you ever hear of a practice whereby people
20 who were privately doing currency exchange could give
21 more favorable rates to people than the official quoted
22 rate?

23 A. I don't know.

24 Q. You file a joint tax return with your husband.

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1 Is that correct?

2 A. Yes.

3 Q. Do you read it before you sign it?

4 A. No.

5 Q. Did you ever notice on the tax return whether
6 there's any money listed there for commissions earned on
7 currency exchange?

8 A. No.

9 Q. You know who Ravi Chawla is; right? You
10 testified about him at the last deposition?

11 A. Yes.

12 Q. Have you ever talked to him about currency
13 exchange?

14 A. No.

15 Q. On your most recent trip to India, did you speak

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16 to either of your husband's brothers?

17 A. Yes.

18 Q. Which one or both?

19 A. Both of them.

20 Q. What are their names?

21 A. Surjit, S-U-R-J-I-T, Bagga, and the other one is

22 Narender, N-A-R-E-N-D-E-R.

23 Q. Where do they live?

24 A. Kanpur, K-A-N-P-U-R.

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1 Q. Did you see them there or did you see them in New

2 Delhi?

3 A. I said I talked to them. I didn't see them.

4 Q. I'm sorry. You spoke to them on a cell phone

5 while you were there?

6 A. Yes.

7 Q. Did you do any business with them?

8 A. No.

9 Q. Did you discuss financial matters at all with

10 them?

11 A. No.

12 Q. Have you ever spoken to either one of them about

13 financial matters of a personal nature?

14 A. No.

15 Q. Have you ever talked to either one of them about

16 business matters?

17 A. No.

18 Q. Your conversations were purely social and family?

19 A. Yes.

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- 20 Q. Do you have a lawyer in India?
21 A. No.
22 Q. Did you ever have a lawyer in India?
23 A. No.
24 Q. Is there a family lawyer in India that you know?

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- 1 A. No.
2 Q. Have you ever been to a lawyer's office in India?
3 A. No.
4 Q. Ever sat down and met with a lawyer in India?
5 A. Well, I have some lawyers in the family, some
6 relatives. I know them.
7 Q. Have you ever consulted them about legal matters?
8 A. No.
9 Q. You mentioned at your last deposition the
10 countries that you had visited on what then had been
11 your most recent trip abroad.
12 A. Yes.
13 Q. Are there any other countries you visited in the
14 past five years besides the ones you told me about last
15 time?
16 A. No. I think I told you most of them, from what I
17 remember.
18 Q. Do you have bank accounts in any of those
19 countries?
20 A. No.
21 Q. Do you have securities accounts in any of those
22 countries?

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23 A. No.

24 Q. Do you own property in any of those countries?

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1 A. No.

2 Q. And in the last five years, have you made any
3 purchases over \$5,000 in any of those countries?

4 A. No, I don't think so.

5 THE WITNESS: Can you put the air conditioner
6 down? It's cold again.

7 (Recess.)

8 BY MR. HERMANN:

9 Q. You had or have a company called KB Apparel?

10 A. Yes.

11 Q. Does that still exist?

12 A. No.

13 Q. During what period did it exist?

14 A. In the early '90s.

15 Q. Approximately, when did it cease to exist?

16 A. Somewhere in the mid '90.

17 Q. Did KB Apparel operate Sunshine Blues Apparel
18 stores?

19 A. Yes.

20 Q. How many?

21 A. At its peak, it operated five stores.

22 Q. And when KB Apparel ceased to be in business, did
23 those stores close?

24 A. Yes.

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- 1 Q. Who handled the books for KP Apparel?
- 2 A. You mean the accountant?
- 3 Q. Yes.
- 4 A. John Melkowski.
- 5 Q. Can you spell that for us?
- 6 A. J-O-H-N, M-E-L-K-O-W-S-K-I.
- 7 Q. Was he someone who was an outside accounting firm
- 8 or someone who was a bookkeeper inside?
- 9 A. Outside.
- 10 Q. Who handled the books for you in terms of your
- 11 internal records? Did you have a bookkeeper?
- 12 A. No. I did.
- 13 Q. Did Sunshine Blues sell brand name jeans?
- 14 A. Yes.
- 15 Q. What else did it sell?
- 16 A. Jean, shirts, T-shirts, sneakers.
- 17 Q. Was it for men and women?
- 18 A. Yes.
- 19 Q. Why did the business close?
- 20 A. You mean my business?
- 21 Q. Yes.
- 22 A. I decided to close it because my kids were too
- 23 young and they needed for me to be home.
- 24 Q. Was there a relationship between KB Apparel and

ESQUIRE DEPOSITION SERVICE

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- 1 Sunshine Blues, on the one hand, and American

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- 2 Merchandising Company on the other?
- 3 A. No.
- 4 Q. These were completely separate businesses?
- 5 A. Yes.
- 6 Q. Who owned American Merchandising Company?
- 7 A. When?
- 8 Q. Well, at one point, your husband owned it.
- 9 Isn't that right?
- 10 A. Yes.
- 11 Q. And prior to your husband's owning it, Ravi
- 12 Chawla owned it.
- 13 Is that right?
- 14 A. No.
- 15 Q. Who owned it before your husband?
- 16 A. GT Chawla.
- 17 Q. Did GT Chawla own it 100 percent?
- 18 A. I don't know the percentages.
- 19 Q. And when did your husband acquire American
- 20 Merchandising from GT Chawla?
- 21 A. I don't remember exact time.
- 22 Q. Was it in or about the late 1990s?
- 23 A. Yes, somewhere in the late 1990s.
- 24 Q. When Mr. Chawla owned it, did your husband also

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- 1 have a position there?
- 2 A. I don't know. I don't remember.
- 3 Q. Did you ever hear that he was the vice president
- 4 of American Merchandising?
- 5 A. Maybe he was. I don't remember.

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6 Q. Do you know whether he actually worked in the
7 American Merchandising business before he owned it?

8 A. I know he was working with GT Chawla to acquire
9 the company. I don't know how they worked on.

10 Q. What I'm asking is, before he acquired the
11 company, did he actually go to work there, do some work
12 for the company as an employee or otherwise?

13 A. I don't know.

14 Q. What did American Merchandising do? What was its
15 business?

16 A. It was in the clothing business.

17 Q. What part of the clothing business was it in?
18 Did it buy clothes, sell clothes, make clothes, export?

19 A. Buy and sell.

20 Q. What did it buy? What kinds of clothes did it
21 buy?

22 A. Name brand clothes.

23 Q. Was it a wholesaler, a distributor?

24 A. They were in the trading business.

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1 Q. It didn't own any stores, it had retail outlets?

2 A. No, not that I know of, no.

3 Q. So it would buy from manufacturers? Am I
4 understanding you correctly? Or distributors? I'm
5 asking you to tell me about what you know about what
6 that business did.

7 A. They were in the business of buying and selling.

8 Q. Okay. Who were they buying from? Who were they

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9 selling to?

10 A. They had customers. I don't know the details.

11 Q. Have you told me everything you know about how
12 this business operated? You don't know who they bought
13 from or who they sold to?

14 A. I don't know the names of all the companies they
15 did business with.

16 Q. Do you know anything they ever sold?

17 A. They sold jeans, sneakers, shorts.

18 Q. Did they sell them in this country or did -- or
19 did they ship them elsewhere?

20 A. I don't know the details.

21 Q. Do you know anything more than you've just told
22 me?

23 A. I just know they were in the trading business.

24 Q. When you say they were in the trading business,

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1 is that different from buying and selling?

2 A. No.

3 Q. Do you know whether they got goods from
4 manufacturers?

5 A. It could be manufacturers or distributors or just
6 other wholesalers.

7 Q. You were the secretary of the company. Weren't
8 you?

9 A. In the beginning, yes.

10 Q. When Mr. Chawla owned it?

11 A. Yes.

12 Q. For how long?

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- 13 A. Couple of years, I think.
14 Q. When you were the secretary, did you actually go
15 to work there?
16 A. No.
17 Q. What did you do as the secretary?
18 A. Not much.
19 Q. Did you do anything?
20 A. No, not really.
21 Q. Did you earn any income for being secretary?
22 A. No.
23 Q. Who asked you to be the secretary?
24 A. GT Chawla.

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- 1 Q. Did he ever tell you why he wanted you to be the
2 secretary?
3 A. No. I guess they needed help, but then there
4 wasn't much to do, so I didn't do anything.
5 Q. Did they actually have an office anyplace?
6 A. I don't think so, no.
7 Q. Did they have a warehouse?
8 A. They probably did, yeah.
9 Q. If they did, you never saw it?
10 A. No.
11 Q. So when you said they were trading goods, do you
12 know where they ever actually took delivery of these
13 goods or they simply bought and sold contracts for
14 goods?
15 A. Sometimes they did take delivery, I'm sure.

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16 Q. You were never paid a salary by them?

17 A. Not that I remember, no.

18 Q. Did you ever talk to GT Chawla about the
19 business?

20 A. No.

21 Q. Were you ever present when your husband talked to
22 the Chawlas about buying the business?

23 A. No.

24 Q. Do you have any idea what the terms of the

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1 purchase and sale were?

2 A. No.

3 Q. Do you have any idea what your husband did as the
4 vice president of finance before he bought the company?

5 A. No.

6 Q. Do you have any idea what Mr. Singh did as the
7 other vice president of the company before your husband
8 bought it?

9 A. Mr. Singh? Who is that?

10 Q. Amar Singh. Wasn't he also a vice president of
11 that company?

12 A. Not that I know of.

13 Q. Have you ever written a check to American
14 Merchandising Company?

15 A. Yes, I might have.

16 Q. Do you remember doing so?

17 A. I don't remember it but I might have written some
18 checks.

19 Q. Why would you have written the check to American

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20 Merchandising?

21 A. I don't remember.

22 Q. What makes you think you did?

23 A. I said I don't remember. I might have. I don't

24 remember. I didn't say I did.

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1 Q. Is there any reason you can think why you might
2 have written a check to American Merchandising?

3 A. No.

4 Q. As you sit here today, you don't have any actual
5 memory of having done so. You just think you might
6 have.

7 Is that right?

8 A. Yes.

9 Q. Now, you know a company also called World
10 Apparel.

11 Is that correct?

12 A. Yes.

13 Q. Was World Apparel in the business of exporting
14 clothing?

15 A. I think so, yes.

16 Q. Did you have any ownership interest in World
17 Apparel?

18 A. No.

19 Q. Did your husband have any ownership interest in
20 World Apparel?

21 A. Not that I know of, no.

22 Q. When did you first hear of that company?

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23 A. World Apparel?

24 Q. Yes.

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1 A. 18 years ago maybe?

2 Q. 1985, approximately?

3 A. '86.

4 Q. And in what context did you hear of World Apparel
5 in 1986?

6 A. When we had the Sunshine Blue franchises, they
7 were the franchisor for Sunshine Blues.

8 Q. Who ran World Apparel Products in those days, if
9 you know?

10 A. All the Chawla brothers.

11 Q. Did you talk to any of them at that time about
12 World Apparel Products?

13 A. At that time?

14 Q. When you first became a franchisee?

15 A. Talk to them about what?

16 Q. Talk about anything. In other words, that's when
17 you met the Chawlas, when you became a franchisee?

18 A. Yes.

19 Q. But there's some family relationship between you
20 and the Chawlas, isn't there, that preexisted you
21 becoming a franchisee?

22 A. Yes.

23 Q. But you hadn't met them before that?

24 A. No.

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- 1 Q. Did World Apparel Products ever engage in
2 business transactions with American Merchandising?
3 A. I think, yes.
4 Q. When you say "I think, yes," you're not sure or
5 you are sure?
6 A. I think they did.
7 Q. Is there something that makes you uncertain about
8 whether it did?
9 A. No. I think they did business, yes.
10 Q. Did they do business regularly?
11 A. I don't know how regularly, but --
12 Q. What was the nature of the business that they did
13 with each other, these two companies?
14 A. Just the clothing business they did.
15 Q. What part of the clothing business did they do
16 transactions with? Was one a buyer and the other a
17 seller? Did they do joint ventures? Were they
18 partners? I'm trying to get you to tell me what you
19 know about.
20 A. I don't know details, how they worked
21 Q. What makes you think they did business then?
22 A. I just think they did business. I don't know how
23 or what. I don't know the details.
24 Q. Who runs World Apparel Products now?

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- 1 A. I don't know.

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2 Q. Do you know who ran World Apparel Products at any
3 time?

4 A. Chawla brothers, all the brothers ran it.

5 Q. All of them?

6 A. Yes, they all worked. I don't know who did what.

7 Q. Did you ever talk to any of the Chawla brothers
8 about the company, World Apparel Products?

9 A. About the company for what?

10 Q. Any aspect of the company. Did the name "World
11 Apparel Products" ever come up in any of your
12 conversations with any of the Chawlas?

13 A. No.

14 Q. So how did you know they had any ownership
15 interest?

16 A. Because we bought the franchise from them.

17 Q. You bought the franchise for Sunshine Blues?

18 A. Yes.

19 Q. How did you know it did business with American
20 Merchandising?

21 A. American Merchandise came later on.

22 Q. When did American Merchandising come?

23 A. Somewhere in the '90s.

24 Q. That was after you closed the Sunshine Blues

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1 stores?

2 A. Yes, I think so.

3 Q. But at some point, your husband bought American
4 Merchandise from the Chawlas, and then engaged in
5 business transactions with World Apparel Products, also

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6 with the Chawlas.
7 Did you have any understanding what those
8 business transactions were?
9 MS. BASKIN: Objection as to form.
10 A. No.
11 THE WITNESS: Can I take a break?
12 THE VIDEOGRAPHER: Off the tape, 1:53.
13 (Recess.)
14 THE VIDEOGRAPHER: Back on the record.
15 2:07.
16 BY MR. HERMANN:
17 Q. Mrs. Bagga, did there ever come a time when you
18 learned that the company that your husband owned 100
19 percent of, American Merchandising, had advanced more
20 than 6 million dollars to World Apparel Products and had
21 lost that money?
22 A. Yes.
23 Q. When did you come to learn that?
24 A. About two and a half years ago. Something like

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1 that, two, two and a half years.
2 Q. How did you learn that?
3 A. Paul told me that when they were doing business
4 with World Apparel, they had advanced them money and
5 lost the money.
6 Q. And World Apparel had lost the money?
7 A. Yes.
8 Q. Did you ever come to learn more information about

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9 it than what you just told me?

10 A. No.

11 Q. Did you ever ask anybody else for more details
12 about what had happened?

13 A. No.

14 Q. Was there ever a time in your life when a
15 business that you were involved in had lost more than 6
16 million dollars?

17 A. Can you repeat the question?

18 Q. Is that the first time in your life that one of
19 the businesses that you or your family was involved in
20 had lost 6 million dollars?

21 A. Yes.

22 Q. Did you ever ask Mr. Chawla for an explanation of
23 what happened?

24 A. No.

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1 Q. In the last two years, how many times have you
2 seen Ravi Chawla?

3 A. Quite a few times.

4 Q. More than ten?

5 A. Yes.

6 Q. More than 25?

7 A. Yes.

8 Q. Weren't you ever curious to ask him what happened
9 to the 6 million dollars?

10 A. I was just told lost the money in business.

11 Q. Did Ravi Chawla tell you that?

12 A. Paul told me.

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13 Q. But you never asked Ravi.

14 Is that right?

15 A. No. I did ask Ravi and he said it was business
16 losses, that's all.

17 Q. When did you ask Ravi Chawla about the loss?

18 A. I don't remember when.

19 Q. Tell me, as best as you can recall, what you said
20 to him and what he said to you when you asked him about
21 that.

22 A. About two years ago, I guess, when this thing
23 happened when Paul told me, and then I asked Ravi and
24 they said they have business losses.

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1 Q. Was that, as far as you can recall, the phrase he
2 used, business losses?

3 A. Yes.

4 Q. Did you ask anything further?

5 A. No.

6 Q. Did you ask him why they had the business losses?

7 A. I know they had business losses. Why business
8 losses -- I know they went out of business, they had
9 business losses.

10 Q. What was your understanding of what the 6 plus
11 million dollars was for that had been transferred from
12 American Merchandising to World Apparel?

13 A. I guess some business transactions that the money
14 was advanced to World Apparel, and I guess they made
15 some bad transactions.

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- 16 That's when they had the business losses.
17 Q. As you sit here today, you don't know what those
18 bad transactions were?
19 A. No.
20 Q. Even in general terms?
21 A. No.
22 Q. And you never asked anybody about it other than
23 Ravi Chawla who said they were business losses?
24 A. Yes.

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- 1 Q. Did you ever ask any of the other Chawlas about
2 what happened?
3 A. No.
4 Q. Did Ravi Chawla ever say, in words or substance,
5 he will try to make it up to you?
6 A. I know Paul filed a judgment; so he said that if
7 the business -- if business picks up, they will pay it
8 back.
9 Q. Who said that to you, if anyone? who said if the
10 business picks up, they'll pay it back?
11 A. That's what Paul said to me.
12 Q. Paul said to you that if world Apparel's business
13 picked up, world Apparel would pay back --
14 A. Yeah, if they lost the money, they would pay
15 back.
16 Q. Did world Apparel's business ever pick up?
17 A. I don't know of that. I don't think so.
18 Q. Now, you said a moment ago that your husband
19 filed a judgment.

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20 You mean he sued -- that he had his company sue
21 their company?

22 Is that your understanding?

23 A. I know there was a judgment. I don't know the
24 details.

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1 Q. Do you know whether American Merchandising sued
2 World Apparel for the money that was lost?

3 A. I think that's what they did, yes.

4 Q. And is it your understanding that World Apparel
5 didn't defend that suit and admitted that it owed the
6 money?

7 A. I think, yeah, that money is owed to American
8 Merchandise. That's what the lawsuit was filed for.

9 Q. Did anyone ever tell you why World Apparel owes
10 that money to American Merchandising if those were
11 business losses?

12 A. I know the money was lost. That's why there was
13 a lawsuit.

14 Q. As far as you understand, did World Apparel
15 Products do something wrong that caused it to owe the
16 money to American Merchandising?

17 A. I don't know, no

18 Q. Do you know whether there was a contract or loan
19 agreement that required World Apparel to pay the money
20 back to American Merchandising even if it were lost?

21 A. I don't know that.

22 Q. Did anyone ever tell you whether the money that

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23 was given by American Merchandising to world Apparel was
24 a loan?

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1 A. I don't know the detail, whether it was a loan or
2 what the nature of the transaction was.

3 I just know the money was lost in business. I
4 don't know the details, how it was.

5 Q. Now, if American Merchandising collected on that
6 judgment which was for more than 6 million dollars, I
7 will represent to you, that would have been money that
8 went to your family 100 percent. Wouldn't it?

9 MS. BASKIN: Objection as to form.

10 A. No.

11 Q. Didn't your husband own a hundred percent of the
12 company?

13 A. Yeah, but it has to go back to the bank.

14 Q. And your husband would have used part of that to
15 pay off the bank; right, if he had gotten it?

16 A. Yes.

17 Q. And how much was owed to the Bank?

18 A. I don't know.

19 Q. Wasn't the Bank owed 5 million dollars?

20 A. Yeah, I think so.

21 Q. Wouldn't there have been more than a million and
22 a half or 800,000 dollars left over for you if they
23 collected on that judgment?

24 A. Yes.

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1 Q. Is it your testimony you never tried to find out
2 why it couldn't collect on that judgment?

3 A. I just said that Paul said that when -- if they
4 get the business, they'll recover a judgment.

5 I don't know how the judgment works, how it was
6 supposed to be collected. World Apparel is not in
7 business anymore right now; so I don't know how they're
8 doing it.

9 Q. Do you know whether any law firm was ever hired
10 to collect that judgment?

11 A. No, I don't.

12 Q. Do you know whether the judgment was assigned to
13 -- to the bank that had lent the money for that
14 transaction?

15 A. Yeah, I believe it was assigned to the bank.

16 Q. And the entire judgment was assigned to that
17 bank. Wasn't it?

18 A. I don't know the details, how the entire or what
19 was ordered. I know there was an assignment to the
20 bank. I don't know amounts.

21 Q. Now, do you know whether any of your personal
22 money, your family's personal money, was included among
23 the 6.8 million dollars that was advanced?

24 A. No, I don't know.

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1 Q. If there was 1.8 million dollars that was

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2 advanced above and beyond the 5 million dollars from the
3 bank, your testimony is you don't know where that came
4 from?

5 A. No. I don't know the details. I was not a part
6 of American Merchandise.

7 Q. Did you ever talk to Ravi Chawla about the loans
8 that had been obtained from Captec?

9 A. No. You know what? I just want to go back on
10 one thing.

11 Part of -- you said 6.8. I think part of it is
12 the profits from the previous transactions. That's how
13 it made it up to -- that's what I believe.

14 Q. Part of the --

15 (Pertinent portion of the notes of testimony was
16 read.)

17 A. You said 5 million was the loan and you said how
18 did the extra money. I think part of it was the profits
19 from the previous transactions.

20 Q. What previous transactions?

21 A. Of American Merchandise.

22 Q. Did American Merchandise have profits?

23 A. Yes. I think that's what part of it is.

24 Q. So American Merchandise had a million, 800,000

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1 dollars in profits?

2 A. I said a part. I didn't say all of it.

3 Q. I'm sorry. Go ahead. Complete your answer.

4 A. I think a part of it would be the profits from
5 the previous transactions. I don't know the details. I

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6 was not a part of American Merchandise.

7 Q. Did you ever see any paperwork that documented
8 this loan advance -- did you ever see any paperwork that
9 documented this advance of funds by American Merchandise
10 to World Apparel?

11 A. No.

12 Q. Did you ever ask whether there was any paperwork
13 for it?

14 A. No.

15 Q. Did you ever play any role in connection with the
16 banking or financial work that was involved in actually
17 making a transfer of 6.8 million dollars?

18 A. No.

19 Q. Did you ever notice whether any of the financial
20 records of American Merchandise or any of the other
21 Bagga family companies reflected that transfer?

22 A. No.

23 Q. Did you have any role whatsoever in connection
24 with obtaining the loan from First International Bank or

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□

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1 Export/Import Bank for that 5 million dollars?

2 A. No.

3 Q. Did you ever have any dealings with anybody from
4 that bank or banks?

5 A. No.

6 Q. Is World Apparel Products, as far as you know,
7 out of business today?

8 A. Yes.

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9 Q. Has any of the Chawlas, Ravi Chawla or any of the
10 others, ever said to you that somehow they'll try to
11 make it up to you since World Apparel has gone out of
12 business?

13 A. They said they're trying to get back into the
14 business, and they would pay it back if and when the
15 business is back.

16 Q. Who said that to you?

17 A. Ravi Chawla.

18 Q. He said to you that, if I'm paraphrasing
19 incorrectly, tell me, that they would like to get back
20 into that kind of business and, if they did, they would
21 try to make it up to you?

22 A. They would pay it back, yes.

23 Q. Did Ravi Chawla ever tell you what efforts First
24 International Bank had made to collect from them on the

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1 judgment?

2 A. No.

3 Q. Did you ever ask him about that?

4 A. No.

5 Q. Are you in the clothing distribution business
6 today?

7 A. No.

8 Q. Are you in any kind of clothing business today?

9 A. We are in -- we are trying to develop some home
10 furnishing business.

11 Q. I just want to read something from the transcript
12 of your deposition. This is on page 73 going over to

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13 page 74.

14 "Are there any other businesses you go to?

15 Answer: Yes.

16 Question: What's that?

17 Answer: I work on various transactions for
18 clothing distributions.

19 And I asked you, what that meant and you say, "I
20 worked on transactions for supplying goods to different
21 stores," and then on page 75 you said, "I work for
22 myself, some friends and family."

23 Is that something you do currently?

24 A. Yeah, that's what I'm saying. We're trying to

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1 develop some home furnishing and home furnishing is made
2 out of clothing, pillows, throws.

3 Q. I see. Do you have a store?

4 A. No.

5 Q. So when you said you worked for friends and
6 family, who do you work for?

7 A. I don't work for friends and family, with friends
8 and family.

9 Q. You were working with friends and family.

10 Is that correct?

11 A. Yes.

12 Q. And who were the friends and family you work
13 with?

14 A. We're trying to develop this home furnishing
15 business from India. I said I have friends and family

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16 who are in this line. That's what we're trying to
17 develop here.

18 Q. My question was who are the friends and family
19 who are working with you?

20 A. My friends that own companies in India who are in
21 the home furnishing business right now.

22 Q. Are these people supplying you with goods?

23 A. Nobody is supplying me anything. We're trying to
24 develop this business and when it develops, then they

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1 will supply me.

2 Q. Have you obtained any financial backing for this
3 business in this country?

4 A. I don't have any orders. We're trying to develop
5 it and, once it's there orders, then we'll get the
6 financial backing.

7 Q. And there's no company you've set up to do this
8 yet.

9 Is that correct?

10 A. Right now, I don't have any company.

11 Q. You spoke last time about Brand Trade.

12 Is that correct?

13 A. Yes.

14 Q. What's the relationship of Brand Trade to
15 American Merchandising? Or what was it?

16 A. I don't think there's any relationship to
17 American Merchandise. There's no relationship to
18 American Merchandise, from what I know.

19 Q. I think you testified Brand Trade trades brand

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20 name clothing in the United States and overseas.

21 Is that correct?

22 A. Uh-huh.

23 Q. Does it still exist?

24 A. Yes.

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1 Q. And when was it started?

2 A. I don't know exact time when it started. Couple
3 of years ago.

4 Q. After you closed the Sunshine Blues' stores?

5 A. Yes.

6 Q. And what's your role in that?

7 A. Tried to get business, get any orders, any
8 transactions.

9 Q. Get orders to do what?

10 A. To do business.

11 Q. What kind of business?

12 A. We're trying to, like I said, trying to develop
13 home furnishings. If we do get any orders, might do it
14 with Brand Trade.

15 Q. Does it currently do any business, Brand Trade?

16 A. I don't know if currently doing any transactions,
17 no.

18 Q. Who owns the company?

19 A. Paul Bagga.

20 Q. Does he own it all?

21 A. Pardon?

22 Q. Does he own it 100 percent?

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23 A. Yeah, I think so.

24 Q. Is there anybody who manages that business?

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1 A. He does.

2 Q. Do you know of any transactions that Brand Trade
3 has done in the past? It's bought something and sold
4 something? Something that of nature?

5 A. I don't know the details.

6 Q. How do you even know it exists?

7 A. I just know it's there because I saw any
8 business, if we get any transactions, we can do it with
9 Brand Trade, so that's why I know the company is there.

10 Q. If you get any business of what sort you could do
11 it with Brand Trade?

12 A. If we get any orders, we're trying to develop the
13 home furnishing, if I get any orders, then we can do it
14 on the Brand Trade Company.

15 Q. Did you ever write any checks to Brand Trade?

16 A. Hum?

17 Q. Did you ever write any checks to Brand Trade?

18 A. Might have signed something, checks.

19 MR. KIDD: He asked did you write any checks
20 to Brand Trade.

21 A. No, I don't remember.

22 Q. Do you remember writing one in May, on May 12th,
23 for 8800 dollars from your checking account?

24 A. I don't remember.

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□

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1 Q. Do you have any idea why you might have written a
2 check for 8800 dollars to Brand Trade on May 12th of
3 2003?

4 A. No, I don't.

5 Q. Do you recall owing Brand Trade any money for
6 anything?

7 A. No.

8 Q. Are there any other businesses you are involved
9 in with the Chawlas other than the ones I've asked you
10 about and you've told me about today and the last time?

11 A. No.

12 Q. Is your husband doing a real estate deal with the
13 Chawlas at the moment?

14 A. I don't know.

15 Q. Do you know whether your husband and the Chawlas
16 are bidding on certain properties in connection with the
17 bankruptcy court in Philadelphia at the moment,
18 together?

19 A. I don't know.

20 Q. Do you know whether you, your husband and the
21 Chawlas have tried to buy properties at bankruptcy
22 auctions together at any time in the past?

23 A. No, I don't think so.

24 Q. Do you have any concern about losing any more

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□

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1 money with the Chawlas?

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- 2 A. I don't understand your question.
- 3 Q. Do you have any concern about going forward with
- 4 any other business ventures with the Chawlas in light of
- 5 the losses on the American Merchandising transaction
- 6 with the world Apparel Products?
- 7 A. I don't have any business with them right now.
- 8 Q. You trust them as business people?
- 9 A. Yes.
- 10 Q. Do you know whether your husband had a dispute
- 11 with a man named Dave Bhasin, B-H-A-S-I-N, I think,
- 12 before the break-up of their relationship?
- 13 A. I know Dave Bhasin was his partner and they
- 14 split.
- 15 Q. Do you know why?
- 16 A. They decided to go their own ways.
- 17 Q. Did you ever hear from Dave Bhasin, why he
- 18 decided to go his own way?
- 19 A. No.
- 20 Q. Did anyone ever tell you that Dave Bhasin thought
- 21 your husband was skimming cash from the business?
- 22 A. Pardon?
- 23 (Pertinent portion of the transcript was read by
- 24 the court reporter.)

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- 1 A. No.
- 2 Q. Do you know what skimming cash is?
- 3 A. Yes.
- 4 Q. Were they in the franchise business together,
- 5 Dave Bhasin and your husband?

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- 6 A. They were in the Arby's business together.
- 7 Q. You never heard them have a disagreement about
- 8 this issue of whether your husband was taking cash from
- 9 the business and not telling him about it?
- 10 A. I don't understand how you take cash out from
- 11 business, you know, the restaurant, the managers deposit
- 12 the money. I don't understand how you take the cash
- 13 out.
- 14 Q. Suppose the managers don't deposit the money?
- 15 A. That's what they're supposed to do. Paul does
- 16 not work in the restaurants.
- 17 Q. Did you ever make cash deposits in excess of 500
- 18 dollars?
- 19 A. Where?
- 20 Q. Anywhere.
- 21 A. Yeah.
- 22 Q. Where have you made those deposits?
- 23 A. In the bank account.
- 24 Q. How many bank accounts are we talking about?

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□

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- 1 A. What do you mean how many?
- 2 Q. Tell me the names of the banks in which you have
- 3 deposited more than 500 dollars in cash in the last
- 4 three years.
- 5 A. Personal account.
- 6 Q. How about business accounts?
- 7 A. Yeah.
- 8 Q. Which ones?

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- 9 A. United, Bagga, Welcome.
- 10 Q. Have you ever directed anybody else to make bank
- 11 deposits of cash in excess of 500 dollars?
- 12 A. Yes.
- 13 Q. Who did you direct to do that?
- 14 A. Paul.
- 15 Q. Now, these accounts, United, Bagga, Welcome, what
- 16 banks were they in?
- 17 A. Sovereign, PNC, Commerce, Citizens.
- 18 Q. Where did the cash come from?
- 19 A. That was deposited?
- 20 Q. Yes.
- 21 A. Transfer money from one account to the other.
- 22 Q. I'm asking about cash deposits. Where did the
- 23 cash come from?
- 24 A. Took the cash from one account to deposit into

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- 1 the other account.
- 2 If one account needed the money, they needed,
- 3 short of cash; so took the cash out of one account and
- 4 put it into the other account with another bank.
- 5 Q. And that's the only times you deposited cash in
- 6 accounts, when you would literally take cash out of one
- 7 account and put cash in another account?
- 8 A. Yes. Usually.
- 9 Q. So you didn't make any deposits of cash that came
- 10 from an outside source and put that in one of those
- 11 accounts?
- 12 A. I don't remember, no.

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13 Q. So the records of the businesses will reflect a
14 cash withdrawal from one account and a cash deposit in
15 another account at approximately the same time, if
16 they're correct?

17 A. Yes, they should.

18 Q. Did Paul Bagga ever give you cash to deposit in
19 one of the business accounts?

20 A. Yeah, he might have some times.

21 Q. Did he?

22 A. I don't remember. I'm sure. Whoever was going
23 to the bank takes the bank deposits. If I'm going to
24 the bank, he would give me the money to deposit.

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1 Q. Did he ever give you cash to deposit into your
2 personal accounts?

3 A. No, I don't remember that.

4 Q. Never.

5 Is that right?

6 A. I don't remember him giving me cash to deposit
7 into my account.

8 Q. To your knowledge, did he ever deposit cash in
9 amounts exceeding 500 dollars in one of your personal
10 accounts?

11 A. He might have. I don't know. I don't remember.

12 Q. What makes you think he might have?

13 A. Sometimes if I need the money in my account, I
14 could tell him I need money, he will deposit it in the
15 account.

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16 I don't know if he's depositing cash or check or
17 transfer. I don't know how he would do that.

18 Q. Did you ever read the bank statements of your
19 personal accounts?

20 A. It says deposit. I don't know how it comes as
21 cash or check. I don't know.

22 Q. You don't know whether it indicates whether it's
23 a cash deposit or a check?

24 A. I'm sure it indicates it, but I don't look. I

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1 just see the deposit.

2 Q. When you deposit money in one of your personal
3 accounts, do you get a deposit ticket, a receipt?

4 A. Yes.

5 Q. Doesn't that indicate whether it's cash or a
6 check?

7 A. Yeah, I guess it would.

8 Q. Do you ever review those tickets? withdrawn.
9 Does Paul give you those tickets?

10 A. No.

11 Q. Do you know what he does with them?

12 A. No.

13 Q. Do you ever pay contractors or vendors in cash?

14 A. What kind of contractor?

15 Q. Any kind of business or personal contractor,
16 someone who paints your house, someone who fixes your
17 computers in the office. Anybody.

18 Did you ever pay people in cash?

19 A. I don't understand. Sometimes in Arby's, had to
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20 pay cash to some of the vendors.

21 Q. I'm asking about you personally.

22 A. Cash to like what? Somebody cleans my car,
23 somebody cleans my house, I will pay them cash, yes.

24 Q. Amounts in excess of 500 dollars.

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1 A. I don't remember.

2 Q. Do you ever buy items for more than 500 dollars
3 for cash?

4 A. No, not really.

5 Q. Did you ever hear any discussion about employees
6 skimming cash at the Scranton or Wilks Barre stores?

7 A. I know there was a theft problem I had heard once
8 in the Scranton area at one of the stores.

9 Q. What did you hear about the theft problem in the
10 Scranton area?

11 A. Just heard there was some cash theft problem in
12 the store. That's all I know.

13 Q. Who told you that?

14 A. Paul.

15 Q. Did you ever ask for any more information about
16 it?

17 A. No.

18 Q. Did you ever find out who the employee or
19 employees were who were involved in theft?

20 A. No.

21 Q. Do you know who Scott Sheridan is?

22 A. No.

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23 Q. Do you know who will Hutchins is?

24 A. No.

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1 Q. Did your husband, as far as you know, make a
2 practice of driving around to the stores in Wilkes Barre
3 and Scranton every week or more frequently?

4 A. He used to go sometimes.

5 Q. Did he sometimes drive around in a baseball cap?

6 A. He may have. Yes.

7 Q. Have you ever seen him drive around in a baseball
8 cap?

9 A. Yes.

10 Q. Do you know whether he drove to the stores
11 sometimes with a baseball cap?

12 A. He might have.

13 Q. Did he ever come back from any of his trips to
14 the stores with cash in hand, as far as you know, that
15 he had picked up at the stores?

16 A. No, I don't know.

17 Q. How many cars does your family have?

18 A. Four.

19 Q. Do you have a BMW?

20 A. Yes.

21 Q. Does your husband sometimes use that BMW to visit
22 stores in Scranton and Wilkes Barre?

23 A. Yes.

24 Q. What other cars do you have?

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- 1 A. A Jeep and an Acura.
- 2 Q. What's the forth one?
- 3 A. BMW.
- 4 Q. Two BMWs?
- 5 A. Yes.
- 6 Q. Do you have a safe in your home?
- 7 A. Yes.
- 8 Q. Did your husband sometimes go to the safe when he
- 9 came home from one of his trips to the stores?
- 10 A. No.
- 11 Q. Does your family keep cash in the safe?
- 12 A. No.
- 13 Q. Who owns those cars that you just told me about a
- 14 moment ago? Are those leased cars or cars you own?
- 15 A. They're leased.
- 16 Q. All of them?
- 17 A. I think everything, except the Jeep is not
- 18 leased; I think.
- 19 Q. Did you ever personally deposit cash in any First
- 20 National City accounts?
- 21 A. First National -- what account?
- 22 Q. First National City Bank.
- 23 A. Where is that?
- 24 Q. You're not familiar with any account there?

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- 1 A. First National City Bank?

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2 Q. Yes.

3 A. I don't remember.

4 Q. Did you ever hear your husband discuss large cash
5 deposits with Norman Cahan?

6 A. Pardon me? I'm sorry, I didn't hear that. Can
7 you repeat that?

8 (Pertinent portion of the notes of testimony was
9 read.)

10 A. No.

11 MR. KIDD: I'm sorry, did you say large cash
12 deposits with Norman Cahan or discussed with him?

13 MR. HERMANN: Discussed with him.

14 MR. KIDD: Thank you.

15 THE VIDEOGRAPHER: Back on the record. The
16 time is 3:05.

17 BY MR. HERMANN:

18 Q. Mrs. Bagga, do you know who Gene Pittack is?

19 A. Yes, he works in the office.

20 Q. In which office?

21 A. 714 Bethlehem Pike.

22 Q. What does he do?

23 A. He is in Arby's operations.

24 Q. And when you're in the office, do you ever have

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1 any dealings with him?

2 A. No, not really.

3 Q. How long has he worked for the company?

4 A. Few years, four, five years, I think.

5 Q. And does he manage some of the stores?

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- 6 A. He is the operations manager.
- 7 Q. When you're in the office, is your desk near his?
- 8 A. No.
- 9 Q. Does he deal with the managers and employees at
- 10 the various stores?
- 11 A. All I know is he is in the operations. I don't
- 12 know what he does.
- 13 Q. Did you ever hear any complaints from any
- 14 employees about Gene Pittack?
- 15 A. I'm not involved with operations. I don't know.
- 16 Q. Does that mean no, you never heard any complaints
- 17 about him?
- 18 A. No.
- 19 Q. Did you ever hear any employees say that they had
- 20 been directed by Gene Pittack to take 500 dollars a day
- 21 in revenues and put it in a bag and keep it there for
- 22 Paul Bagga when he comes around?
- 23 A. No.
- 24 Q. What color is the Jeep?

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- 1 A. Burgundy red.
- 2 Q. Does your husband get a paycheck?
- 3 A. Yes.
- 4 Q. From what company or companies?
- 5 A. I don't know which company. I think welcome
- 6 Group.
- 7 Q. Is he currently getting a paycheck from welcome
- 8 Group?

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9 A. I think so. I haven't seen his paycheck.
10 Q. Does he deposit his own paycheck?
11 A. Yeah, I think so.
12 Q. Does he ever give the paycheck to you to deposit?
13 A. No.
14 Q. Does he deposit it in your family checking
15 account?
16 A. Yeah, he might have.
17 Q. Do you know if he ever deposits it anywhere else?
18 A. Deposits it into the checking account.
19 Q. Does he get paid the same amount regularly by
20 welcome Group?
21 A. Yeah, I think so.
22 Q. Is there any other payment to your husband that
23 gets deposited regularly in your checking account?
24 A. No.

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1 Q. Do you get any payments from any company that get
2 deposited into your checking account?
3 A. Yes.
4 Q. What company?
5 A. It used to be from United. Now that United is
6 not, I think it's called welcome now.
7 Q. Not 21st Century Restaurant Solutions?
8 A. Yes, 21st Century Restaurant Solutions, probably.
9 Q. Now, you told us last time about a 40,000 dollar
10 loan that you had made to one of the family companies.
11 Do you recall that?
12 A. Um-hum

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13 Q. Have you made any other loans to any Bagga
14 family-related businesses in the last five years,
15 personally?

16 A. Yes, I might have.

17 Q. Do you remember any?

18 A. I don't remember but I know I have made deposits,
19 loans into the accounts.

20 Q. To which companies?

21 A. I don't remember which company; could be United,
22 welcome.

23 Q. And would those loans be reflected in your
24 checkbook? That is to say, did you make the loan in the

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1 form of a check?

2 A. Yes.

3 Q. Did you make loans in any other form? Cash,
4 let's say?

5 A. Yeah. It would be a check. Like we went through
6 last time, if it's the same bank, they would transfer it
7 as cash. You asked me last time; they would transfer it
8 from my account to the business account and they put it
9 in as cash because it's in the same bank.

10 Q. So you wouldn't actually physically write a
11 check; you would ask the bank to transfer money from one
12 -- from your personal account to one of the business
13 accounts?

14 A. Yes. If you do that, then it would show as cash.

15 Q. Is that what you did, is what I'm asking you?

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16 A. Sometimes I might have done, yeah.

17 Q. And sometimes you might have written a check
18 also?

19 A. Yes.

20 Q. Do you remember doing each of those things in
21 connection with loans made to businesses?

22 A. Yes.

23 Q. How did you keep track of what loans you made to
24 the businesses?

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1 A. It shows up in the statement.

2 Q. It shows up in what statement?

3 A. In the bank statement.

4 Q. The bank statement for the business that you lent
5 the money to?

6 A. No, in the business, it would come in the P and
7 L, in the balance sheet, it would show that it was a
8 loan from me.

9 But if it's a personal account, if it's -- if I
10 transfer a check, it would say it.

11 Q. What I'm asking is, apart from the, either the
12 check that you wrote or the movement of funds from one
13 bank account to another, would there be any other piece
14 of paper that would show that this was a loan by you to
15 one of the businesses?

16 A. I'm saying it will show -- if I made a loan to
17 United, it would show in the United books. When they
18 make the deposit, if it's a loan, it would show that
19 it's a loan from me.

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20 Q. But you would have had to tell somebody that
21 there was a loan that was made by you to United, let's
22 say?

23 A. Yes.

24 Q. And is that what you did in each case?

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1 A. Yes. They had to make an entry. They can't just
2 write the money came in. They had to write from there.

3 Q. Who would you tell when you made such a loan?

4 A. Whoever is working in the office doing entries.

5 Q. Do you know the name of that person or persons?

6 A. Khalid.

7 Q. That's the same Khalid you told us about last
8 time?

9 A. Yes.

10 Q. Is that K-H-A-L-I-D?

11 A. Yes.

12 Q. And you don't remember that person's last name;
13 right?

14 A. No.

15 Q. And who else?

16 A. Basically, him.

17 Q. And does he still work for the company?

18 A. Yes.

19 Q. If I can summarize what you just said. Tell me
20 if it's an accurate summary.

21 When you made a loan to one of the companies, you
22 would transfer money either in the form of an

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23 inter-account transfer or in the form of a check and you
24 would tell Khalid to record it as a loan from you?

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1 A. Yes.

2 Q. And it would then show up on the books of United?

3 A. Yes.

4 Q. And did you get repaid on those loans?

5 A. Some of it, yes.

6 Q. Are some of the loans unpaid still?

7 A. Yes.

8 Q. And how much in total did you lend to the family
9 businesses in this matter?

10 MS. BASKIN: Objection to form.

11 A. I don't remember the exact amount.

12 Q. Approximately.

13 A. I don't know the amounts. It should show up in
14 the tax returns and the company P and Ls.

15 Q. Do you have any idea at this point how much is
16 owed to you from those loans?

17 A. No.

18 Q. If you were going to find out how much you had
19 advanced and had not been repaid, what would you do?

20 A. I would look on the company P and Ls.

21 Q. And you would look at United or any other
22 company? For United.

23 A. Right now, I would look at 21st Century.

24 Q. As the successor to United?

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1 A. Yes.

2 Q. And you haven't, in fact, looked at the P and Ls
3 of that?

4 A. No.

5 Q. Or the balance sheet?

6 A. No.

7 Q. On how many occasions do you think you've made
8 such loan advances?

9 A. Several occasions. I don't remember exactly how
10 much and how many times.

11 Q. Over what course of time?

12 A. Last few years.

13 Q. Now, there had been times also when you took
14 money out in repayment of those loans.

15 Is that correct?

16 A. Yes.

17 Q. And what process did you go through? Did you
18 tell Khalid?

19 A. To write a check. That's what we went through
20 last time when he showed me the check, and I showed you
21 it was part of payment back from the 40,000, the 13 and
22 a half thousand that I took back, and the rest, 27 and a
23 half thousand, is still owed to me and I have not taken
24 it back; and I cannot take it back now because, since

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1 the bankruptcy started, I've not taken any money out.

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2 Q. So the same process applied to any other loans
3 that you made, that if you were going to be repaid, you
4 would go to Khalid and say, issue a check?

5 A. Yes, I would get a check, yes.

6 Q. When you did that, did you -- that is to say,
7 when you went to Khalid to ask him to write a check to
8 repay you, did he have to get an approval from anybody?

9 A. No.

10 Q. When you did it -- your request to him to write
11 the check to repay, was that something you just said to
12 him or did you write a memo about it?

13 A. I just said it to him.

14 Q. Did he ever say to you that there were no funds
15 to repay you when you were looking to be repaid?

16 A. I wouldn't ask for the check if there were no
17 funds in the account.

18 Q. So you knew already that there would be
19 sufficient funds?

20 A. Yes. The same way I knew when there was no funds
21 I put the money in because there were no funds in the
22 account. That's why I put the money in, to take it out
23 when the funds were there for a temporary loan. It
24 would not become permanent.

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□

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1 Q. Did you ever discuss with Khalid how he should
2 describe the repayment of the loan to you?

3 A. I told him when he -- when I put the money in, it
4 goes in as a loan from me.

5 And when I tell him to write the check, it's
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6 against that loan. He writes it, loan repayment against
7 the loan.

8 Q. And he makes that notation on the check?

9 A. Yes.

10 Q. Now, when he would make a repayment of the loan
11 to you, it would be in the form of a check on each
12 occasion; right?

13 A. Yes.

14 Q. And what would you do with that check?

15 A. Either deposit it into my account or cash it.

16 Q. Do you recall ever cashing it for actual -- for
17 cash?

18 A. Pardon?

19 Q. Do you recall ever cashing one of those checks
20 for cash?

21 A. Yes. If I needed the money, I might have cashed
22 it, yes.

23 Q. Do you recall the amounts of any of these
24 repayments? You told me 13,500 dollars, I think, last

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1 time with regard to the 40,000.

2 A. That's what you showed me the check, and I said
3 it was payment, yes.

4 Q. Do you recall the amounts of any other repayment
5 checks?

6 A. No.

7 Q. Did you transfer 362,000 dollars on March 31 of
8 this year from the Commerce Bank into your checking

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9 account?

10 A. I transferred it from the Commerce Bank savings
11 account into another savings account, not into a
12 checking account.

13 Q. You transferred into your personal savings
14 account?

15 A. I had a personal savings account in Commerce
16 Bank; and then when the fiasco with Prudential happened,
17 they attached my personal account at Commerce Bank
18 because of the business account was at Commerce Bank, so
19 that's why I was upset with Commerce Bank for taking my
20 -- you remember that -- and that's why I moved my
21 account out of Commerce Bank because they had no right
22 to take my personal account.

23 Q. So the account at Commerce Bank, was your own?

24 A. It was my personal savings account.

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□

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1 Q. And you moved it into what account?

2 A. Into a savings account into First Union Bank.

3 Q. How long had you had that 362,000 dollars in your
4 savings account at Commerce Bank?

5 A. Pardon?

6 (Pertinent portion was read by the court
7 reporter.)

8 A. Since I had the account at Commerce Bank.

9 Q. How long is that?

10 A. I don't know the exact dates.

11 Q. Is it several years we're talking about?

12 A. No, not several years.
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13 Q. Can you approximate how long you had that account
14 there?

15 A. I don't know. Maybe two years. I don't know the
16 exact amount of time, how long.

17 Q. Where did the 362,000 dollars come from?

18 A. I had the money.

19 Q. Where did you get the money from? Was that
20 salary for you?

21 A. What?

22 Q. Was that some salary you had?

23 A. No. I don't remember exactly where.

24 Q. Did you deposit it as a lump sum at some point?

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□

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1 A. Yes.

2 Q. Where did it come from before it was at Commerce
3 Bank?

4 A. I don't remember.

5 Q. As I understood your testimony, you were upset
6 that Commerce Bank had done something with your funds
7 and that's why you moved the account out of there?

8 A. They had seized my account. That's why I moved
9 it out.

10 Q. Which account did they seize?

11 A. My personal savings account.

12 Q. They had seized the account with the 362,000
13 dollars in it?

14 A. Yes.

15 Q. How were you able to move it then?

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16 A. They released it.

17 MS. BASKIN: If I may interject, this was a
18 subject of some legal proceeding where some bank --
19 maybe it was Captec -- had a judgment.

20 THE WITNESS: Prudential.

21 MS. BASKIN: Prudential, and they froze
22 corporate bank accounts, inappropriately froze Mrs.
23 Bagga's personal account.

24 We had Blank, Rome on the phone, and we had

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1 a lawyer from another firm on the phone who, within 24
2 hours, admitted that it was an improper seizure of her
3 bank accounts and they unfroze her bank account.

4 I don't remember the details, but I remember
5 I was involved in the telephone conversations when this
6 occurred.

7 BY MR. HERMANN:

8 Q. Is that correct, Mrs. Bagga, as far as you know?

9 A. Yes.

10 Q. As you sit here today, what's your best
11 explanation of where that 362 thousand dollars came
12 from?

13 A. I don't remember the exact details, but part of
14 it was a check that I got from the insurance company.
15 We had a water damage in the house, and the contractors
16 were still working on it.

17 we got paid by the insurance company, but I
18 deposited the check into my savings account, and then I
19 paid them later on when they finished the work.

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20 Q. And the insurance company paid you 362 thousand
21 dollars more than you owed the contractor for the work?

22 A. I wrote the contractors after the check. The
23 insurance company paid me the check. The contractors I
24 paid them recently.

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1 Q. How much did you pay the contractors?

2 A. 100 and some thousand. I said part of the
3 300,000 came from there.

4 Q. Where did the rest of it come from?

5 A. I don't remember that. You know what I think?
6 Part of it came from the refinancing.

7 I don't know who -- were you there at the
8 refinancing or -- I don't remember. We refinanced the
9 house, and we got back some money. I think part of it
10 probably came from there.

11 Q. But you're not sure?

12 A. I don't remember. I think part of it probably
13 came from there.

14 Q. Do you have an account at MBNA?

15 A. MBNA?

16 Q. Yes.

17 A. It's a credit card.

18 Q. Did you transfer money to your personal checking
19 account from an MBNA account in April of this year?

20 A. I transferred from MBNA -- I have a credit card
21 from them, and they had an offer for six months, no
22 interest, and so I took the money.

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23 Q. 23,000 dollars?

24 A. Yes.

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1 Q. Was there a particular use you had for that
2 23,000 dollars at the time?

3 A. I needed to pay my expenses and this was a no
4 interest loan so I thought I could use it for six
5 months, so I transferred the money, the check into my
6 account.

7 Q. That hasn't been repaid yet?

8 A. No.

9 Q. Who's Johnny Dang, D-A-N-G?

10 A. He's my landscaper.

11 Q. You paid him approximately 9,000 dollars in May
12 of 2003?

13 A. Uh-huh.

14 Q. Had he done some landscaping work at your house?

15 A. He put some trees in the back.

16 Q. Do you have an account at a Philadelphia private
17 bank?

18 A. It's a trust account for my children.

19 Q. Is that a Sansom Street account?

20 A. Pardon?

21 Q. Is that an account called Sansom, S-A-N-S-O-M,
22 street?

23 A. No.

24 Q. If you made a notation on a check, a 35 hundred

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1 dollar check that it was for Sansom Street, does that
2 mean anything to you?

3 A. 3500 dollars? Yes, it was -- it applied for a
4 loan there, and I think it was a loan processing fee.

5 Q. Have you ever had any discussions with anybody
6 about moving Arby's restaurant equipment from
7 Pennsylvania to text?

8 A. No.

9 Q. Have you ever written any checks to anybody for
10 that purpose?

11 A. No.

12 Q. Have you ever had any discussions with anybody
13 about replacing the computers in the Pennsylvania
14 stores, the Pennsylvania Arby stores, with older
15 computers?

16 A. No.

17 Q. Have you ever had any role in selling the
18 computers that are used as cash registers in the stores?

19 A. No.

20 Q. Have you talked to Ravi Chawla since June 17th,
21 the last time you were asked questions at a deposition
22 by me in this case?

23 A. Talked to him about what?

24 Q. About anything.

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1 A. Yeah, I talked to him.

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2 Q. How often?

3 A. I don't know how often.

4 Q. Several times?

5 A. Yes.

6 Q. Have you seen him?

7 A. Yes.

8 Q. Have you been out with him socially?

9 A. Yes.

10 Q. Just the two of you?

11 A. Yes.

12 Q. Do you recall being asked last time about loans
13 from HB Properties to welcome Group when I asked you
14 some questions about that?

15 A. Yes.

16 Q. Did you ask Mr. Chawla, since you gave that
17 testimony, any more details about the terms of those
18 loans?

19 A. No.

20 Q. I also asked you questions about loans from Sant
21 Properties to welcome Group?

22 A. Yes.

23 Q. Did you ask Mr. Chawla for any more details about
24 those loans that you couldn't fill in at the time?

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1 A. No.

2 Q. Did you ask any questions about the transactions
3 between World Apparel and American Merchandising about
4 the overseas shipment of goods?

5 A. No.

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6 Q. Do you know whether Norm Cahan is the accountant
7 for the Chawlas?

8 A. Pardon?

9 Q. Do you know whether Norm Cahan is the accountant
10 for the Chawlas?

11 A. I don't know.

12 Q. Did you show Mr. Chawla a copy of your deposition
13 transcript?

14 A. No.

15 Q. Do you know whether he read a copy?

16 A. No.

17 Q. Are you familiar with the Quickbooks files of the
18 various companies that you and your husband are involved
19 in?

20 A. I know there are Quickbook files. I don't know
21 much about that.

22 Q. Do you play or have you ever played any role in
23 maintaining those files?

24 A. No.

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1 Q. Who does?

2 A. Office does it.

3 Q. Who in the office does?

4 A. Khalid.

5 Q. And -- withdrawn.

6 I asked you last time about some of the various
7 business entities your family has been involved in,
8 companies and partnerships.

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- 9 I want to ask you about a couple more.
- 10 A. Okay.
- 11 Q. See if you know.
- 12 Did you ever hear of Fast Track Pizza?
- 13 A. Yes.
- 14 Q. What does that do?
- 15 A. It used to be a pizza place. I don't think it's
- 16 there anymore.
- 17 Q. Where was it?
- 18 A. At the 30th Street -- at the train station.
- 19 Q. How about Green Castle Restaurants?
- 20 A. Yes.
- 21 Q. What was that? Does that still exist?
- 22 A. There's an Arby's in Green Castle, so I imagine
- 23 it's probably that.
- 24 Q. How about Mohebac Real Estate, M-O-H-E-B-A-C. I

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- 1 don't know if the I'm pronouncing it correctly.
- 2 A. Uh-huh.
- 3 Q. What is that?
- 4 A. It's a real estate company.
- 5 Q. What does it do?
- 6 A. I don't know exactly what it does.
- 7 Q. Ever hear of a company called Passage to India?
- 8 A. Yes.
- 9 Q. What does that do?
- 10 A. It used to own a restaurant downtown, Passage to
- 11 India.
- 12 Q. Does it exist anymore?

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13 A. The restaurant exists, yes.

14 Q. Does your family have any ownership interest in
15 that at this point?

16 A. No.

17 Q. Do you know who owns it?

18 A. Right now, I don't remember the name of the
19 person.

20 Q. Did you ever hear of a company called PEPS
21 Incorporated?

22 A. P-E -- no. PEPS. You know, I think it's one of
23 the companies that Paul was trying to do some education
24 projects.

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1 I think it had something to do with that.

2 Q. What kind of education projects is he doing?

3 A. He was thinking of doing something. I think it
4 had something to do with the school project, something.

5 Q. Is that all you know?

6 A. Yes.

7 Q. Did you ever hear of a company called Rapture
8 Trading?

9 A. Yes.

10 Q. What does Rapture Trading do?

11 A. They used to have a store in Philadelphia.

12 Q. What kind of a store?

13 A. Clothing store.

14 Q. Who owned it?

15 A. I don't know.

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16 Q. Did this have anything to do with your clothing
17 business?

18 A. No.

19 Q. Was your husband in the clothing business
20 separately from you?

21 A. American Merchandise.

22 Q. Was this business somehow related to American
23 Merchandising?

24 A. I don't think so, no.

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1 Q. Do you know a company called Best Buy Trading?

2 A. I heard of the name.

3 Q. In what connection did you hear that name?

4 A. I think it might have done some business with
5 American Merchandise or World Apparel. I don't know.

6 Q. Do you know what kind of business they did with
7 it?

8 A. No.

9 Q. Did your husband own Best Buy Trading?

10 A. No.

11 Q. Do you know who did?

12 A. No.

13 Q. Did you hear of a company called Classico?

14 A. Yes.

15 Q. And what does Classico do or what did it do?

16 A. Classico, they're in leather business. My
17 brother owns that.

18 Q. Your brother who lives in India owns that?

19 A. No, one who lives in Amster.

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- 20 Q. Did you hear of a company called Rising Sun?
21 A. No.
22 Q. How about a company called WAP?
23 A. That's What About Products.
24 Q. And RUI?

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- 1 A. Resource Utilization, Inc.
2 Q. What did Resource Utilization do?
3 A. It was a management company before United.
4 Q. Do you know who owns RUI?
5 A. It's not there anymore.
6 Q. Rising Sun?
7 A. Who?
8 Q. Do you know who owns Rising Sun?
9 A. No.
10 Q. Do you know who owns Rapture Trading?
11 A. No.
12 Q. Do you know a company called Kutztown
13 Advertising?
14 A. No.
15 MR. KIDD: Give us about minutes and maybe
16 we can wrap up.
17 (Recess.)
18 THE VIDEOGRAPHER: We're back on the record.
19 The time is 4:14.
20 BY MR. HERMANN:
21 Q. Mrs. Bagga, we're going to show you a videotape
22 here and ask you a couple questions about it. It begins

080703.txt
23 with July 20th, 2003, 12:15 pm.

24 MR. TABAS: Keep watching.

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1 MR. HERMANN: The tape ended at, I think, 34
2 minutes after the hour began, I think at 15 minutes; so,
3 obviously, there was a start and stop there someplace.

4 BY MR. HERMANN:

5 Q. Did you have a chance to observe the videotape?

6 A. Now?

7 Q. Yes.

8 A. Yes.

9 Q. Do you recognize the car?

10 A. Yes.

11 Q. What car is that?

12 A. It's the Jeep.

13 Q. It's your Jeep?

14 A. Yes.

15 Q. Do you recognize the driver.

16 A. Yes.

17 Q. Who's the driver?

18 A. Paul Bagga.

19 Q. Do you recognize the location?

20 A. No.

21 Q. Does July 20th, is about -- is 18 days ago.

22 A. Yes.

23 Q. As you sit here without anything to refresh your
24 recollection, do you know what he was doing on July

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1 20th?

2 A. I don't know. I was not here.

3 Q. Do you know whether equipment that's used in
4 Arby's restaurants is stored in sheds that look like the
5 ones that you just saw in that videotape?

6 A. I've never seen anything. I've never seen any of
7 the storage sheds, so I don't know.

8 Q. Do you know that some Arby's restaurant and
9 office equipment is, in fact, stored in sheds at this
10 time?

11 A. Yes.

12 Q. How do you know that?

13 A. Calls the office to write a check to some storage
14 company, I know there's a storage somewhere.

15 Q. I want to go back and cover one or two things
16 that we partly addressed before.

17 Did you not have a computer in your office before
18 May of 2003?

19 A. No, I don't think I had a separate computer, no.

20 Q. Did you use a computer in the office before May
21 of 2003?

22 A. No.

23 Q. When you needed something written in the office
24 before May of 2003, what did you do?

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1 A. I would just use one of the computers, somebody's

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- 2 computer.
- 3 Q. Did you use those computers to write letters?
- 4 Again, I'm speaking of the period before May, 2003.
- 5 A. No, I don't think so.
- 6 Q. What did you use people's computers for?
- 7 A. Check my e-mail or something, check the weather,
- 8 AOL.
- 9 Q. Anything else?
- 10 A. No.
- 11 Q. Not for any business purposes?
- 12 A. No.
- 13 Q. Never?
- 14 A. I don't remember.
- 15 Q. Is your office building on Bethlehem Pike up for
- 16 sale?
- 17 A. No.
- 18 Q. Which businesses are located there?
- 19 A. All of them.
- 20 Q. All of the various Bagga family-related business
- 21 that I've asked you about?
- 22 A. Uh-huh.
- 23 Q. If they have an office, it's located there?
- 24 A. Yes.

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- 1 Q. Does K and P Realty receive money from anybody or
- 2 any entity?
- 3 A. It receives money from welcome.
- 4 Q. And how much money does it receive from welcome?
- 5 A. I don't remember the exact amount. It pays rent.

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6 Q. welcome Group pays rent to K and P Realty?

7 A. Um-hum

8 Q. For what?

9 A. For the different locations, for the five
10 locations.

11 Q. And it makes five separate payments or one
12 payment?

13 A. Five separate payments.

14 Q. How much a year does K and P Realty get from
15 welcome Group for rent?

16 A. I don't remember the exact amount, exact figure.

17 Q. What does K and P Realty do with the rent money
18 that it gets?

19 A. It pays the debt service, taxes and other
20 expenses.

21 Q. After it pays the debt service, taxes and other
22 expenses, is there money left over?

23 A. Yes, there's some money left over.

24 Q. And what happens to that money?

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□

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1 A. It's there.

2 Q. It's retained in the corporation?

3 A. It's used for like big expenses for K and P.

4 Q. My question was, after the expenses of K and P
5 have been fully paid, is there any income left over?

6 A. Yes. There's some income left over, some money
7 left over.

8 Q. And who gets the income from K and P Realty, if

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9 there's left? If there's net income there, who gets it?

10 A. I would get it.

11 Q. Have you, in fact, gotten any net income from K
12 and P Realty in the last three years?

13 A. I don't remember. I know last couple of years
14 there was still money owed to K and P because the money
15 wasn't paid.

16 So, in fact, the company actually owed money to K
17 and P because all the rents were not paid last year. It
18 shows in the tax returns.

19 (Pertinent portion of the record was read by
20 the court reporter.)

21 THE VIDEOGRAPHER: Back on the record.

22 4:25.

23 BY MR. HERMANN:

24 Q. Mrs. Bagga, are you saying that in the last three

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1 year, K and P Realty, in fact, didn't have any net
2 income?

3 A. I don't think so.

4 Q. How would you know?

5 A. I would have to look at the papers and the tax
6 returns.

7 Q. Is that something you've ever done before?

8 A. Not really. From what I remember, there's money
9 owed to K and P.

10 Q. In a large enough amount so that K and P has no
11 income.

12 Is that what you're saying? No net income.

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13 A. Yes, I think so.

14 Q. Does K and P file a tax return?

15 A. I don't remember if it's a separate tax return.

16 I told you, I don't really look at the tax -- or if it's
17 an attachment to the personal tax return.

18 It's filed somewhere somehow. I don't know
19 exactly how it's done.

20 Q. Now, I asked a series of questions before about
21 American Merchandising and its transactions with world
22 Apparel.

23 Did American Merchandising do business with any
24 other company besides world Apparel?

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1 A. It probably did but I don't know.

2 Q. What makes you think it probably did?

3 A. It was in business. They did business with
4 various companies.

5 Q. Do you know that or are you assuming that?

6 A. I'm assuming that.

7 Q. Did it do business with a company called Ten
8 Tigers?

9 A. I don't remember. Yes, sounds familiar.

10 Q. What does that name mean to you, Ten Tigers?

11 A. It's a familiar name, but I don't know how or
12 what business it was.

13 Q. Is that a company that was owned by the Chawlas?

14 A. I don't know who owned the company.

15 Q. Have you told me everything you know about Ten

080703.txt

16 Tigers?

17 A. Yes.

18 Q. You recognize the name. You don't know anything
19 else about it?

20 A. Uh-huh.

21 Q. Have you received any loans personally from any
22 of the Chawlas? You personally, not in the companies
23 but you personally.

24 A. No.

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1 Q. Has Paul Bagga received any loans from the
2 Chawlas?

3 A. I don't know that.

4 Q. Are you currently getting a paycheck from 21st
5 Century Realty Solutions?

6 A. Yes, I'm getting a paycheck, yes.

7 Q. And how much are you being paid by them?

8 A. It's like 1500 or some dollars every two weeks.

9 Q. Are you getting a paycheck from any other
10 company?

11 A. No.

12 Q. Now, before there was 21st Century Realty
13 Solutions, there was United Management.

14 I'm sorry, 21st Century Restaurants.

15 A. Yes.

16 Q. You were getting a check from United Management;
17 right?

18 A. Yes.

19 Q. How much were you being paid by United

080703.txt

20 Management?

21 A. About 1500 dollars.

22 Q. 1500 dollars?

23 A. Every two weeks.

24 Q. Approximately, 36,000 dollars a year?

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1 A. Yes. Something like that.

2 Q. For how many years in the past were you being
3 paid that amount?

4 A. Long time. Few years.

5 Q. In, let's say, since the year 2000, since the
6 beginning of 2003, were you getting a paycheck from any
7 other company?

8 A. I don't remember.

9 Q. Were you getting any distributions of capital
10 from any other company?

11 A. No.

12 Q. Were you getting distributions of income from any
13 other company?

14 A. No, not that I'm aware.

15 Q. So your only source of income, personally, in
16 2000, 2001 and 2002, was the paychecks you were
17 receiving from United Management?

18 A. Yes.

19 Q. Mrs. Bagga, during the year of 2000, did you
20 write checks for American Merchandising?

21 A. Yes.

22 Q. So I'm going to represent to you that during the

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23 year 2000, American Merchandising wrote at least a dozen
24 checks to Ten Tigers in an amount exceeding 6 million

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1 dollars.

2 Do you have any idea what those checks were for?

3 A. Probably for buying or selling, buying some
4 merchandise.

5 Q. Before you would write checks totaling 6 million
6 dollars, would you review any paperwork?

7 A. No. I signed the checks, I didn't review them.

8 Q. Who, if anyone, told you to write those checks?

9 A. Paul.

10 Q. And is it your testimony, you had no backup
11 whatsoever before writing checks at those amounts?

12 A. No, I didn't see him.

13 Q. Now, I'm also going to represent to you that as
14 of the end of 1999, that the balance sheet, the trial
15 balance of American Merchandising, showed that more than
16 1.2 million dollars was due to SJM Trading.

17 Do you know what SJM Trading is?

18 A. No.

19 Q. Do you know whether that's owned by the Chawlas?

20 A. I don't know who owns it.

21 Q. Did you ever hear the name SJM Trading Company in
22 connection with the equipment that was bought for the
23 Arby's restaurants?

24 A. No.

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1 Q. Did anyone ever ask you to write a check to SJM
2 Trading for the 1.2 million dollars that was due to it?

3 A. I don't remember that.

4 Q. Now, I'm also going to represent to you that a
5 year later, on the trial balance for the year 2000, it
6 was the same entry for SJM Trading, except which,
7 instead of being 1.2 million, was a little under 700,000
8 dollars.

9 Did you write checks during the year -- during
10 the year 2000 to SJM Trading to reduce that
11 indebtedness?

12 A. I don't remember.

13 Q. Did you ever hear of a company called Mega
14 Management, M-E-G-A?

15 A. No.

16 Q. Mrs. Bagga, I'd like not to have to ask you this
17 question but I do.

18 Do you have an intimate relationship with Ravi
19 Chawla?

20 MR. KIDD: I'm instructing her not to answer
21 that question.

22 MR. HERMANN: You're not in a position to
23 instruct her not to answer.

24 If you do, we'll seek a ruling from Judge

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1 Reed who's already determined in this case that there

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2 are no --

3 MR. KIDD: I'm going to instruct her to
4 invoke her rights under the Fifth Amendment, since Mr.
5 Ravi is under criminal investigation in three different
6 places.

7 So invoke your rights with regard to that
8 question.

9 MR. HERMANN: You're invoking the Fifth
10 Amendment privilege for this witness on the grounds of
11 someone else's criminal investigation?

12 MR. KIDD: Invoke the Fifth Amendment.

13 MR. HERMANN: I'm telling you right now, I'm
14 going to seek sanctions against you if you do that. If
15 you're going to invoke Fifth Amendment for this witness
16 on the grounds of someone else's incrimination.

17 MR. KIDD: I think, very well, if they had a
18 romantic relationship, they could be involved in a
19 criminal enterprise together, pretty simple
20 relationship.

21 So she's not going to give you any
22 indication what their relationship is, since he's also
23 the subject of criminal investigation, she may be a
24 party to it.

ESQUIRE DEPOSITION SERVICE

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1 I believe there's a valid good faith basis
2 invocation of the Fifth Amendment in this case.

3 Invoke the Fifth Amendment.

4 BY MR. HERMANN: Do I understand, Ms.
5 Mathews, you're not directing her not to answer at this

080703.txt

6 point?
7 MR. KIDD: She is not. I'm directing -- not
8 directing you. I'm asking you, recommending to you, to
9 invoke your rights. Do you want to invoke your rights
10 or not?
11 Do you want to talk to me for a moment?
12 THE WITNESS: Okay.
13 MR. KIDD: Let's talk.
14 THE VIDEOGRAPHER: Off the tape.
15 (Recess.)
16 MR. KIDD: She'll answer the question.
17 THE VIDEOGRAPHER: Back on the record.
18 4:40.
19 MR. HERMANN: Do you want to read the
20 question back?
21 THE VIDEOGRAPHER: Off the tape, 4:40.
22 (Recess.)
23 MR. KIDD: Back on the record.
24 THE VIDEOGRAPHER: Back on the record, 4:42.

ESQUIRE DEPOSITION SERVICE

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1 (Pertinent portion was read by the court
2 reporter.)
3 MR. KIDD: May I ask you, are you speaking,
4 when you say "intimate," do you mean a sexual
5 relationship?
6 MR. HERMANN: I mean a sexual, romantic
7 relationship.
8 MR. KIDD: In that context, you can answer

080703.txt

9 the question.

10 A. No.

11 Q. Have you ever had a sexual relationship with Mr.
12 Chawla?

13 A. No.

14 MR. KIDD: Are you almost finished?

15 MR. HERMANN: I am.

16 MR. KIDD: Mr. Hermann, we're going to go
17 back over, I believe there's a series of maybe eight or
18 ten questions that were asked where we invoked the Fifth
19 Amendment.

20 We're now going to go over all of those
21 questions and we will answer them for you. I've asked
22 the young lady to mark those in whatever manner she
23 does, and she will pull them up and we will then go over
24 them.

ESQUIRE DEPOSITION SERVICE

122

1 If you want to have follow-up questions, you
2 can. But I would like to either rescind our invocation
3 of the Fifth Amendment on all of those questions, and I
4 believe on all questions that were asked today.

5 MR. TABAS: Before you do that, I would like
6 to take one break to talk to my colleagues for a minute.

7 MR. KIDD: You're not going to let me
8 rescind the invocation?

9 MR. TABAS: Yes, you are. I just need to
10 tell them something before --

11 MR. KIDD: All right.

12 THE VIDEOGRAPHER: Off the tape 4:44.
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13 (Recess.)

14 MR. KIDD: Back on.

15 THE VIDEOGRAPHER: Back on the record.

16 4:47.

17 MR. KIDD: Miss, could you read back he
18 eight or ten questions that I had you mark during the
19 intermission?

20 (The following was read by the court
21 reporter:

22 "Who made the entry in the computer that
23 reflected any information that was produced to us."

24 MR. KIDD: You can answer the question.

ESQUIRE DEPOSITION SERVICE

123

1 A. Are you talking about the entries in my
2 computer?

3 (Pertinent portion of the record is read.)

4 A. I did.

5 MR. KIDD: Mr. Hermann, do you want to
6 follow up on each question or wait till the end?

7 MR. HERMANN: I'd rather follow up on each
8 one as we go along.

9 MR. KIDD: There's about eight or ten.

10 MR. HERMANN: I don't think I have any on
11 that one.

12 MR. KIDD: Next question?

13 (The following was read by the court
14 reporter:

15 "What's your e-mail address?"

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16 A. Kbagga@AOL.com.

17 Q. Has that always been your e-mail address?

18 A. Yes.

19 MR. KIDD: Next question.

20 (The following was read by the court

21 reporter:

22 "Do you make a practice of reading your tax
23 returns before you sign them?

24 MR. KIDD: Answer the question.

ESQUIRE DEPOSITION SERVICE

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1 A. No, not really.

2 Q. What do you mean not really?

3 A. I mean, I just sign it. Paul tells me the tax
4 returns and I just sign it. I don't read through the
5 whole thing.

6 Q. Do you read through any of it?

7 A. Not really. I just sign it.

8 MR. KIDD: Is it all right to proceed, Mr.
9 Hermann?

10 MR. HERMANN: Yes.

11 MR. KIDD: Next one.

12 (The following was read by the court
13 reporter:

14 "Have you ever had any discussions with
15 either Norm Cahan or any other accountants about your
16 tax returns?"

17 MR. KIDD: Answer the question.

18 A. I might have. I don't remember. He prepared the
19 tax returns, so --

080703.txt

20 Q. Your testimony is that you never spoken to Norm
21 Cahan about the contents of your tax returns?

22 A. No.

23 MR. KIDD: Next question.

24 (The following was read by the court

ESQUIRE DEPOSITION SERVICE

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1 reporter:

2 "Have you made any applications for loans in
3 the past two years?"

4 MR. KIDD: Answer the question.

5 A. Yes.

6 Q. Are these applications for bank loans?

7 A. It was for house refinancing.

8 Q. That's your personal residence?

9 A. Yes.

10 Q. Is that the Washington mutual loan?

11 A. Yes.

12 Q. Have you made any other loan applications in the
13 past two years?

14 A. The office building, 714 Bethlehem Pike.

15 Q. That's the 244,000 dollar loan on that?

16 A. Yes.

17 Q. And what's the Bank there?

18 A. Sovereign Bank.

19 Q. In connection with those loan application, did
20 you provide copies of financial statements, personal
21 financial statements?

22 A. Paul did.

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23 Q. Did you review either one of those before the
24 loan application was submitted?

ESQUIRE DEPOSITION SERVICE

126

1 A. No.

2 Q. Do you continue to maintain copies of those loan
3 applications?

4 A. No.

5 MR. KIDD: Next question.

6 (The following was read by the court
7 reporter:

8 "Have you guaranteed the repayment of a loan
9 that somebody else took out in the last couple years?")

10 A. I don't remember.

11 (The following was read by the court reporter:

12 "Can you tell me the names of all the banks on
13 which you deposited money on behalf of Bagga Enterprises
14 or United Management in the last two years?")

15 A. Yes, Sovereign Bank, PNC Bank, Commerce Bank,
16 Citizens Bank, First Union Bank. I think that's about
17 it.

18 Q. To the best of your recollection, did you make
19 any cash deposits in any of those banks in that period
20 of time?

21 A. Yeah, I might have.

22 Q. Well, you might not have also; right?

23 A. Yes.

24 Q. Do you remember doing so?

ESQUIRE DEPOSITION SERVICE
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1 A. I told you earlier, sometimes, if one account
2 needs some money, and you deposit a check, you don't get
3 the credit right of it; so you have to take the cash out
4 and put cash in the account so the account is covered.

5 Q. I'm talking about cash from an outside source.

6 Did you at any time during those two years
7 deposit cash from an outside source into those accounts?

8 A. I don't remember that.

9 MR. KIDD: All right, Mr. Hermann, to
10 proceed?

11 MR. HERMANN: Yes.

12 (The following was read by the court
13 reporter:

14 "Now, another of your functions is writing
15 checks for those businesses?

16 Answer: Not anymore, no.

17 Question: Was there a time when that was
18 one of your functions?"

19 MR. KIDD: Do you understand the question?

20 BY MR. HERMANN:

21 Q. The question was, was there a time when writing
22 checks was one of your questions? But I think you
23 already answered that.

24 A. Yes.

ESQUIRE DEPOSITION SERVICE

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1 (The following was read by the court reporter:

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2 "Can you tell me the names of all of the banks on
3 which you have, on behalf of Bagga Enterprises, United
4 Management or any other of the family-related
5 businesses, written checks in the past two years?

6 MR. KIDD: Answer the question.

7 A. I'm sorry. Did you say entities or the banks?

8 (The following was read by the court reporter:

9 "Can you tell me the names of all of the banks on
10 which you have, on behalf of Bagga Enterprises, United
11 Management or any other of the family-related
12 businesses, written checks in the past two years?")

13 A. All the banks I just mentioned.

14 Q. Any others?

15 A. No, I don't remember any of them.

16 Q. And those are Sovereign, PNC, Commerce, Citizens
17 and First Union?

18 A. Yes.

19 (The following was read by the court reporter?

20 "Have you set up any trusts in the last two
21 years?")

22 MR. KIDD: Answer the question.

23 A. No.

24 (The following was read by the court reporter:

ESQUIRE DEPOSITION SERVICE

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1 "Have you transferred any real or personal
2 property in the last six years?")

3 MR. KIDD: Answer the question.

4 A. Yes.

5 Q. What property was that?

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6 A. We sold a house.

7 Q. Apart from the sale of your house, any other
8 transfers?

9 A. We did the transfer between Jamuna and K and P
10 Real Estate.

11 Q. What was the nature of that transaction?

12 A. Jamuna Real Estate was owned 50 percent by me and
13 50 percent by Paul and so was K and P Real Estate.

14 So Paul transferred the K and P 50 percent to me
15 and I transferred 50 percent of Jamuna to Paul.

16 Q. And what was the purpose of that switch?

17 A. I don't know. I thought it was an even switch.

18 Q. Do you now think otherwise?

19 A. No.

20 Q. Was there any other transfers besides those two?

21 A. No, I don't remember.

22 (The following was read by the court reporter:

23 "Did you ever borrow any money from the Singh
24 Brothers' trust?

ESQUIRE DEPOSITION SERVICE

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1 A. I don't remember.

2 (The following was read by the court reporter:

3 "Do you know whether Amar Singh is one of the
4 Singh Brothers in the Singh Brothers' trust?

5 A. I don't know.

6 THE COURT REPORTER: I believe that's it.

7 MR. HERMANN: No further questions.

8 THE VIDEOGRAPHER: That concludes today's

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9 deposition.

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ESQUIRE DEPOSITION SERVICE

131

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C E R T I F I C A T E

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12

I, Maureen McCarthy, a Certified
Shorthand Reporter and Notary Public of the
State of New Jersey, do hereby certify that
prior to the commencement of the examination,
the witness and/or witnesses were sworn by me
to testify to the truth and nothing but the
truth.

I do further certify that the
foregoing is a true and accurate
computer-aided transcript of the testimony as
Page 116

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13 taken stenographically by and before me at the
14 time, place and on the date hereinbefore set
15 forth.

16 I do further certify that I am
17 neither of counsel nor attorney for any party
18 in this action and that I am not interested in
19 the event nor outcome of this litigation.

20

21

22

23

24

Certified Shorthand Reporter
XI01730
Notary Public of New Jersey
My commission expires 5-08-06

Dated: _____

ESQUIRE DEPOSITION SERVICE

2:43 PM
08/07/03
Accrual Basis

American Merchandise Company, Inc.
Transactions by Account
As of December 31, 2000

Type	Date	Num	Name	Memo	Clr	Split	Amount
Due T / F Ten Tigers							
Check	2/23/2000	5146	Ten Tigers				376,729.00
Check	5/26/2000	WIRE	FUJIWARA INDUSTRIAL CO LTD	VOID	X	Sovereign Bank	0.00
Check	5/30/2000	WIRE	FUJIWARA INDUSTRIAL CO LTD			Sovereign Bank	300,000.00
Check	6/2/2000	WIRE	FUJIWARA INDUSTRIAL CO LTD			Sovereign Bank	630,000.00
Check	6/7/2000	5231	Ten Tigers			Sovereign Bank	700,000.00
Check	6/8/2000	WIRE	Ten Tigers			Sovereign Bank	350,000.00
Check	6/13/2000		Ten Tigers			Sovereign Bank	-50,000.00
Check	6/30/2000	WIRE	Ten Tigers			Sovereign Bank	1,400,000.00
Check	6/30/2000	5254	Ten Tigers			Sovereign Bank	1,400,000.00
Check	7/7/2000	5262	Ten Tigers			Sovereign Bank	650,000.00
Check	7/11/2000	AUTO	Sterling International Mercantile Inc	TEN TIGERS		Sovereign Bank	200,000.00
Check	5/27/2000	5233	Ten Tigers			Sovereign Bank	70,200.00
Check	11/2/2000	5319	Ten Tigers	PO # 1101-01		Sovereign Bank	847,412.50
Check	11/7/2000		Ten Tigers	CH#204		Sovereign Bank	-630,000.00
Check	11/10/2000	WIRE	Ten Tigers			Sovereign Bank	-630,000.00
Check	11/27/2000	5301	Ten Tigers			Sovereign Bank	60,360.96
Check	12/28/2000	WIRE	Ten Tigers			Sovereign Bank	2,000,000.00
Total Due T / F Ten Tigers							7,674,702.46
TOTAL							7,674,702.46

Khushi Checking Account Summary 8/6/2003

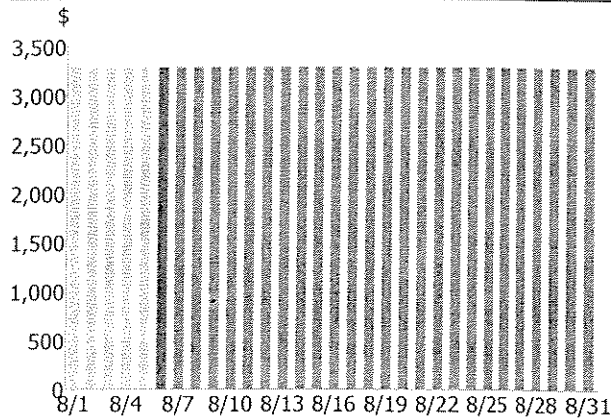
Account Attributes

Account Name	Khushi Checking
Description	
Financial Institution	Sovereign Bank FSB
Account Number	
Transaction Download	Not Available
Quicken Bill Pay	Activate Quicken Bill Pay

Account Status

Current Balance	3,295.85
Last Transaction	6/10/2003
Last Reconcile	5/27/2003

Account Balance August 2003



Expenses August 2003

No data is available for the selected:

- date range
- accounts
- categories
- classes

Check Register

Page 1

Khushi Checking

8/6/2003

Date	Num	Transaction	Payment	C	Deposit	Balance
4/10/2003		Opening Balance cat: [Khushi Checking]		R	14,981.87	14,981.87
4/10/2003	1470	Contemporary Aquatics cat: Household memo: Inv # 1011,	310.53	R		14,671.34
4/10/2003	1482	Quality Pool Care cat: Household memo: Prepay opening and closing	1,515.15	R		13,156.19
4/10/2003	1488	cat: Education memo: POOJA	5,150.00	R		8,006.19
4/10/2003	1489	cat: Education memo: chetan fee	3,579.00	R		4,427.19
4/10/2003	1490	Sprint PCS cat: Utilities, Bus	113.59	R		4,313.60
4/10/2003	1491	Surinder Maniktala cat: Int Paid	1,500.00	R		2,813.60
4/10/2003	1492	Direct TV	82.60	R		2,731.00
4/10/2003	1493	Neiman Marcus	200.00	R		2,531.00
4/10/2003	1494	Dish Network	126.08	R		2,404.92
4/11/2003		Deposit cat: Invest Inc memo: K & P Real Estate		R	7,500.00	9,904.92
4/11/2003	1496	Saks Fifth Ave	8.47	R		9,896.45
4/11/2003	1497	Bloomingdales	247.45	R		9,649.00
4/11/2003	1498	Comcast	88.47	R		9,560.53
4/11/2003	1499	Bob's Appliance memo: Basement Dishwasher	101.18	R		9,459.35
4/11/2003	1714	Bancard Services	300.00	R		9,159.35
4/11/2003	1715	Chase	574.01	R		8,585.34
4/11/2003	1716	Citi Cards	93.70	R		8,491.64
4/11/2003	1717	A T & T	111.61	R		8,380.03
4/11/2003	1718	PECO	1,060.89	R		7,319.14
4/11/2003	1720	BMW cat: Auto	977.95	R		6,341.19
4/11/2003	1721	State Of Delaware cat: Misc memo: Paul's Ticket	50.25			6,290.94
4/11/2003	1722	V 3 Global	106.55	R		6,184.39
4/16/2003		Sovereign Bank cat: Miscellaneous, Bus memo: //c payment	20.00	R		6,164.39
4/18/2003	1719	A T & T WIRELESS memo: Chetan Cell	169.62	R		5,994.77
4/29/2003	1723	American Express	1,779.32	R		4,215.45
4/29/2003	1724	BMW cat: Auto	550.95	R		3,664.50
4/29/2003	1725	Verizon	107.22	R		3,557.28
4/29/2003	1726	A T & T Universal Card	2,500.00	R		1,057.28

Check Register

Khushi Checking
8/6/2003

Page 2

Date	Num	Transaction	Payment	C	Deposit	Balance
4/29/2003	1727	Philadelphia Suburban Water Co	428.62	R		628.66
4/29/2003	1728	MBNA	760.00	R		-131.34
4/29/2003	1729	Comcast	88.48	R		-219.82
5/2/2003	DEP	cat: Other Inc		R	6,000.00	5,780.18
5/9/2003		**VOID**INT CREDIT		R		5,780.18
5/10/2003		Sovereign Bank cat: Misc memo: Office Bldg	2,020.50	R		3,759.68
5/10/2003		Sovereign Bank cat: Misc memo: Loan Payment	3,259.04	R		500.64
5/11/2003		Interest Earned cat: Interest Inc		R	0.76	501.40
5/12/2003	DEP	cat: Other Inc memo: 1550.89,158.,2441,1500,2643			8,273.00	8,774.40
5/12/2003	DEP	Irene cat: Other Inc, Bus memo: Shawl Black			2,000.00	10,774.40
5/12/2003	DEP	memo: 30,23,50 Delta,16467,95 Coke, 461.28 Ch...			18,583.12	29,357.52
5/12/2003	1730	Om Bahadur Tulachan cat: Salary memo: Renuka	4,000.00			25,357.52
5/12/2003	1731	Johny Dang	9,120.00			16,237.52
5/16/2003	1502	Direct TV	41.32			16,196.20
5/16/2003	1733	Bloomingdales	58.00			16,138.20
5/16/2003	1734	Bancard Services	500.00			15,638.20
5/16/2003	1735	Sprint PCS cat: Utilities, Bus	105.05			15,533.15
5/16/2003	1736	Citi Cards	1,112.05			14,421.10
5/16/2003	1737	A T & T Universal Card	2,089.61			12,331.49
5/16/2003	1738	A T & T	78.02			12,253.47
5/16/2003	1739	Chase	276.02			11,977.45
5/16/2003	1740	Dish Network	121.85			11,855.60
5/25/2003	1481	Cindy & Michael Proothi cat: Gifts Given	200.00			11,655.60
5/26/2003	1480	BRANDTRADE	8,800.00			2,855.60
5/30/2003	DEP	Pal Narula And Brandtrade			14,800.00	17,655.60
5/30/2003	1581	Direct TV	41.32			17,614.28
5/30/2003	1584	Philadelphia Private Bank cat: Misc memo: Sansom Street	3,500.00			14,114.28
5/30/2003	1586	Harish Peri cat: Rent memo: Chetan	750.00			13,364.28
5/30/2003	1587	Chetan Bagga cat: . Cash	1,000.00			12,364.28

Check Register

Page 3

Khushi Checking
8/6/2003

Date	Num	Transaction	Payment	C	Deposit	Balance
5/30/2003	1588	Contemporary Aquatics cat: Household memo: Inv # 1079,1045	497.12			11,867.16
5/30/2003	1589	MBNA	900.00			10,967.16
5/30/2003	1590	Quality Pool Care cat: Household memo: # 6697	274.88			10,692.28
5/30/2003	1591	Terminix cat: Household	90.10			10,602.18
5/30/2003	1592	PECO	849.58			9,752.60
5/30/2003	1593	V 3 Global	74.35			9,678.25
5/30/2003	1594	Verizon	103.45			9,574.80
5/30/2003	1595	A T & T Wireless memo: Chetan	149.50			9,425.30
5/30/2003	1596	American Express	761.43			8,663.87
5/30/2003	1597	Comcast	88.48			8,575.39
6/1/2003		Sovereign Bank cat: Misc memo: Loan Payment	3,259.04			5,316.35
6/10/2003		Sovereign Bank cat: Misc memo: Office	2,020.50			3,295.85

Check Register

Khushi Savings

Page 1

8/6/2003

Date	Num	Transaction	Payment	C	Deposit	Balance
3/31/2003	DEP	Khushi memo: Trf from Commerece		R	362,000.00	362,000.00
4/4/2003	DEP	MBNA memo: 0% financing till jul		R	23,000.00	385,000.00
4/8/2003	DEP			R	9,458.42	394,458.42
4/14/2003		Interest Earned cat: Interest Inc		R	202.22	394,660.64
5/12/2003	DEP				4,500.00	399,160.64
		cat: Misc memo: 3000 Pradeep Tchh, 1500 Superfare				
5/12/2003	DEP	Harish cat: Misc memo: bHANGRA oUTFITS			1,000.00	400,160.64
5/12/2003		Sovereign Bank memo: American/United L/c	100,000.00			300,160.64

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FL RECEIVABLE TRUST 2002-A

*Plaintiff***SUBPOENA IN A CIVIL CASE**

v.

 CIVIL ACTION NO: 02-CV-2710;
 02-CV-2711;
 02-CV-2080;
 02-CV-2086

 BAGGA ENTERPRISES, INC.; JAMUNA REAL
 ESTATE, LLC; UNITED MANAGEMENT SERVICES,
 INC. and WELCOME GROUP, INC.
Defendants
 TO: Kushvinder K. Bagga a/k/a Kushi Bagga
 611 Creek Lane
 Flowertown, PA 19031

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See the attached Exhibit "A".

PLACE

 OBERMAYER REBMANN MAXWELL & HIPPEL LLP
 One Penn Center, 19th Floor, 1617 John F. Kennedy Blvd.
 Philadelphia, PA 19103

DATE AND TIME

 On or before
 August 18, 2003

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

 ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)
 Attorney for Plaintiff

 DATE
 August 11, 2003

 ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 Dorothy M. Claeys, Esquire

 OBERMAYER REBMANN MAXWELL & HIPPEL LLP
 One Penn Center, 19th Floor, 1617 John F. Kennedy Blvd.
 Philadelphia, PA 19103
 (215) 665-3000

EXHIBIT "A"

Any and all records relating to and including the tax returns for the business of K & P and your personal tax returns from January 1, 2000 to the present; any and all hard drives or disks for your home and/or personal computer from January 1, 2002 to the present; and any and all correspondence written, prepared and/or sent by you from January 1, 2000 to the present.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

8/12/03
DATE611 Creek Lane Flawtown PA 19031
PLACE

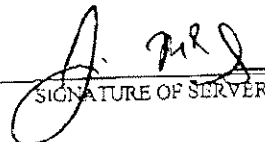
SERVED

Kushi Baggia
SERVED ON (PRINT NAME)Personal Service
MANNER OF SERVICETim McGovern
SERVED BY (PRINT NAME)Process Server
TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 8/12/03
DATE


SIGNATURE OF SERVER

7328 REXEM ST Phila PA 19152
ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person,

except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

CERTIFICATE OF SERVICE

I, Robert H. Hermann, hereby certify that a true and correct copy of the foregoing Affidavit of Robert Hermann with annexed exhibits was served September 4, 2003 by overnight delivery service through United Parcel Service, with which we have an account, by depositing a true and correct copy of the aforesaid in an overnight wrapper and placed in the designated area before the scheduled pick-up and properly addressed to the last known addresses of the addressees as follows:

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